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ISSN 1180-5218

Legislative Assembly of Ontario

First Session, 41st Parliament

Assemblée législative de l'Ontario

Première session, 41^e législature

Official Report of Debates (Hansard)

Monday 2 March 2015

Journal des débats (Hansard)

Lundi 2 mars 2015

**Standing Committee on
General Government**

Committee business

**Comité permanent des
affaires gouvernementales**

Travaux du comité



Chair: Grant Crack
Clerk: Sylwia Przedziecki

Président : Grant Crack
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Monday 2 March 2015

Lundi 2 mars 2015

The committee met at 1402 in committee room 2.

COMMITTEE BUSINESS

The Chair (Mr. Grant Crack): Good afternoon, everyone. I'd like to call the meeting to order and welcome all members of the committee. I hope everyone had a good winter—not a break, but winter work in the riding. We're back here to do the business of what the people have elected us to do.

There was a request to have a committee meeting, so we're gathered here today to discuss that.

I believe Mr. Colle has put up his hand, so I will recognize you, Mr. Colle.

Mr. Mike Colle: Just to facilitate the meeting, I have a list of the processes we may follow in terms of public hearings.

The Chair (Mr. Grant Crack): Excuse me, Mr. Colle. Could you mention the bill that you're referring to?

Mr. Mike Colle: Yes, it's Bill 31. I have a copy to go around. This is what I'd like to put before the committee, in terms of proceeding over the next while on Bill 31. Do you want me to read it out?

The Chair (Mr. Grant Crack): Yes, Mr. Colle, please do.

Mr. Mike Colle: Okay—and then begin the discussion.

I move that the Clerk, in consultation with the Chair, be authorized to arrange the following with regard to Bill 31, Making Ontario's Roads Safer:

(1) Two days of public hearings commencing on March 9, 2015, and followed by one day of clause-by-clause consideration; and

(2) Notice of public hearings on the Ontario parliamentary channel, the Legislative Assembly's website and Canada NewsWire; and

(3) Witnesses are scheduled on a first-come, first-served basis; and

(4) Each witness will receive up to five minutes for their presentation, followed by nine minutes for questions from committee members;

(5) The deadline for written submission is 6 p.m. on the final day of public hearings;

(6) That the research office provide a summary of the presentations by 5 p.m. on Friday of the same week following public hearings; and

(7) The deadline for filing amendments with the Clerk of the Committee be 12 noon two days preceding clause-by-clause consideration of the bill.

Basically, it follows the days that the committee normally meets on. We would have the public hearings starting, I guess, on March 9, and then we would do one on March 11. Then the clause-by-clause would be when?

The Chair (Mr. Grant Crack): The clause-by-clause, I believe, would be on the 23rd, which would be the Monday—

Mr. Mike Colle: Yes, and that's because of the March break, so it just goes to the next time we meet.

The Chair (Mr. Grant Crack): Okay, thank you. Any further discussion on the motion that Mr. Colle has put forward? Mr. Mantha.

Mr. Michael Mantha: Two days is way too short. We need more days than that. This is not a one-page or a two-page bill. This is an extensive bill. Quite a few things are being changed in here. There's a lot of input that is out there. I'm not sure where we're going to be agreeing as far as—you're suggesting two days, but there are different perspectives as to how this bill is going to be affecting individuals across this province. I would suggest that we at least look at a minimum of two days up in northern Ontario, some in southern Ontario, east and west. Two days is limiting the opportunity for the public to bring their discussions forward.

The Chair (Mr. Grant Crack): Thank you, Mr. Mantha. Any further discussion? Mr. Yurek.

Mr. Jeff Yurek: Yes, thanks. I concur with the member from—

Mr. Michael Mantha: Algoma-Manitoulin.

Mr. Jeff Yurek: Algoma-Manitoulin. I know, Michael.

Mr. Michael Mantha: A, A, A—oh, sorry.

Mr. Jeff Yurek: I agree with the member from Algoma-Manitoulin, a beautiful island up there. But I do think this is an all-encompassing bill that touches and reaches more than just the city of Toronto. I do agree that we should be reaching out to other parts of Ontario to hear their input on possible changes to this bill going forward.

The Chair (Mr. Grant Crack): Thank you very much. Any further discussion?

Mr. Mike Colle: Well—oh, go ahead.

The Chair (Mr. Grant Crack): Ms. McGarry?

Mrs. Kathryn McGarry: I certainly recognize that it is a big bill. We've had lots of debate in the House. I'm not sure there was an appetite to travel. Two days' worth of public hearings will certainly address some. Whether we called another day of public hearings may be an option, but I didn't believe we were going to be travelling with this particular bill.

The Chair (Mr. Grant Crack): Okay. Thank you. Any further discussion? Mr. Mantha?

Mr. Michael Mantha: I think it's absolutely necessary for this committee to travel. If we're going to be substantially making the changes as far as what is being reflected in this bill, we need to travel to those communities to understand particularly what different regions of this province are actually saying in regards to how this bill is going to be reflective upon their communities. In order for us to get a great grasp of how these changes are going to be implemented, I think it's absolutely necessary that this committee travel.

The Chair (Mr. Grant Crack): Okay, thank you. Any further discussion?

Mr. Mike Colle: I'd like to take a five-minute recess just to discuss some of these considerations, just to see what is viable and possible.

The Chair (Mr. Grant Crack): Okay. Is it the committee's consensus that we take a five-minute recess?

Mr. Jeff Yurek: I have a question.

The Chair (Mr. Grant Crack): Yes, go ahead.

Mr. Jeff Yurek: Does that preclude us from taking a recess as well, or is that just for the Liberals?

The Chair (Mr. Grant Crack): If the committee agrees, I can do it by consensus. If we're going to take a five-minute—

Mr. Mike Colle: I'm requesting a five-minute recess for the committee.

The Chair (Mr. Grant Crack): And Mr. Yurek, you're requesting, perhaps, a five-minute recess later?

Mr. Jeff Yurek: I might. It might be 20.

The Chair (Mr. Grant Crack): Okay. I would ask the committee if that's something that would be acceptable in the future, if that were to happen. Is the committee in agreement to have a five-minute recess? Agreed. Five-minute recess. We'll see you back here at 2:13. Thank you.

The committee recessed from 1408 to 1413.

The Chair (Mr. Grant Crack): Back to order following a five-minute recess. Mr. Colle, you had requested the recess, so would you like to—

Mr. Mike Colle: I'll defer.

The Chair (Mr. Grant Crack): Deferred to Mrs. McGarry.

Mrs. Kathryn McGarry: Thank you, Chair. I just really wanted to comment that I appreciate the interest in this bill—there has been a lot—through a number of our road safety partners and our community cycling agencies. But I have also recognized, having been in the House for the debate a lot of the time, that there is great public interest in getting this bill passed. There has been an appetite, because it has combined two pieces of previous

legislation that died on the order paper, but I know that there's a good appetite to make sure that we get this bill in and passed as quickly as possible.

The Chair (Mr. Grant Crack): Any further discussion? Mr. Yurek.

Mr. Jeff Yurek: Mr. Chair, it's all well and good to hear about the appetite to pass a bill. It doesn't mean that you rush a bill through the committee level just to appease an appetite, because I do know that the people in southwestern Ontario are quite concerned that we get this right with regard to the vehicle inspection centres that they're going to be creating.

We've seen what this government has done with the Drive Clean program, taking in \$19 million more than they should have before getting caught with their hand in the cookie jar; I can only imagine what they're going to do at the end of the day if we do not take our time and get this bill right with the vehicle inspections that are going forward. So again, I think that that's a pitiful response to an easy request of a few days' travel to hear what people say outside of the city of Toronto.

The Chair (Mr. Grant Crack): Thank you, Mr. Yurek.

Mr. Mantha.

Mr. Michael Mantha: I agree with the comments that were made by my colleague here, and his perspective being from the south, with my perspective being from northern Ontario. Believe me that there is a large interest from the cycling community in northern Ontario. Although we have snow, there are many cycling advocates who want to have their opportunity to speak on this particular bill.

Like I said, there are many parts of this bill, and many individuals are going to be affected in different ways. We should have that opportunity. You're absolutely right: There is an appetite to push this forward, to bring this bill forward. But we can rush it through, or we can do it right. I would rather go out and have that opportunity to speak to all parts of this province in order to get it right so that we can get it through.

The Chair (Mr. Grant Crack): Thank you very much.

Mr. Colle.

Mr. Mike Colle: I'll move the motion.

The Chair (Mr. Grant Crack): Mr. Colle had moved the motion previously. He's just reasserting the fact of that. Is there any further discussion? There being none, are the members ready to vote?

Mr. Jeff Yurek: Could I have a 20-minute recess, please?

The Chair (Mr. Grant Crack): Yes. Mr. Yurek has requested a 20-minute recess prior to the vote. That is within the privileges and in the standing orders, so there will be a 20-minute recess effective starting now.

The committee recessed from 1416 to 1436.

The Chair (Mr. Grant Crack): I will call the meeting back to order. According to the standing orders, a member was entitled to a 20-minute recess. We have experienced that. I will now call for the vote on the motion moved by Mr. Colle.

Those in favour? Those opposed? The motion is carried.

Given the fact that the motion put forward by Mr. Colle has carried, for clarification I would just like to indicate that the two public hearings will be held on March 9 and 11. The clause-by-clause will be March 23. The deadline for written submissions will be at 6 p.m. on March 11. The research office can provide a summary of the presentations by 5 p.m. on Friday, March 13. As well,

the deadline for filing amendments to Bill 31 will be Thursday, March 19, at 12 noon.

Is there any further business?

Mr. Mike Colle: I move adjournment.

The Chair (Mr. Grant Crack): There is a motion for adjournment. This committee is adjourned. Thank you very much, everyone.

The committee adjourned at 1438.

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ISSN 1180-5218

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Standing Committee on General Government

Transportation Statute Law
Amendment Act (Making
Ontario's Roads Safer), 2015

Comité permanent des affaires gouvernementales

Loi de 2015 modifiant des lois
en ce qui concerne
le transport (accroître la
sécurité routière en Ontario)

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STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Monday 9 March 2015

Lundi 9 mars 2015

*The committee met at 1400 in committee room 2.*TRANSPORTATION STATUTE LAW
AMENDMENT ACT (MAKING
ONTARIO'S ROADS SAFER), 2015
LOI DE 2015 MODIFIANT DES LOIS
EN CE QUI CONCERNE
LE TRANSPORT (ACCROÎTRE LA
SÉCURITÉ ROUTIÈRE EN ONTARIO)

Consideration of the following bill:

Bill 31, An Act to amend the Highway 407 East Act, 2012 and the Highway Traffic Act in respect of various matters and to make a consequential amendment to the Provincial Offences Act / Projet de loi 31, Loi modifiant la Loi de 2012 sur l'autoroute 407 Est et le Code de la route en ce qui concerne diverses questions et apportant une modification corrélative à la Loi sur les infractions provinciales.

The Chair (Mr. Grant Crack): Good afternoon, everyone. Bon après-midi, tout le monde. We're here at the Standing Committee on General Government. I'd like to welcome members of the committee and members of the public who are going to be making presentations to us this afternoon. We're here to discuss Bill 31, An Act to amend the Highway 407 East Act, 2012 and the Highway Traffic Act in respect of various matters and to make a consequential amendment to the Provincial Offences Act. I believe we're going to hear from nine deputants this afternoon.

ONTARIO TRAFFIC COUNCIL

The Chair (Mr. Grant Crack): We can get under way immediately as I believe the first presenter is here from the Ontario Traffic Council.

I'd like to welcome Marco D'Angelo, who is the executive director. You have five minutes to make your presentation, followed by three minutes of questioning from each of the three parties. The floor is yours.

Mr. Marco D'Angelo: Thank you very much, Chair. I'm Marco D'Angelo, executive director of the Ontario Traffic Council.

The OTC, established in 1950, is the voice for municipal traffic engineering, planning, parking and enforcement across Ontario. We've worked over the last several years to develop consensus positions among municipal-

ities in the development of pedestrian crossings and bike facilities. We are pleased to see bills like Bill 31.

We're also pleased that Bill 31 has enjoyed positive feedback from all three parties, and for the incorporation of four private members' bills that have dealt with road safety in recent years.

The OTC has been a leader in promoting active transportation infrastructure and developing best practices with our municipal membership in collaboration with MTO in recent years. The OTC managed the development of what is now the province's standard for pedestrian crossings. That book is called Book 15. It's part of the Ontario Traffic Manual series of books. It recognizes the trend towards increasing emphasis on active transportation and the accompanying necessity of managing conflicting movements between pedestrians and other traffic at crossings to protect the most vulnerable road user group.

Following the release of Book 15, the OTC wrote to then-Transportation Minister Wynne. At that time, we requested changes to the HTA to support our work in developing improved pedestrian crossings. We asked the minister in 2011 to "require drivers to come to a full stop and yield the right of way to a pedestrian who is within a crossover or using a school crossing, rather than the current requirement for drivers to yield to pedestrians within the nearest half of the crossing." We are pleased to see this measure in Bill 31.

OTC member municipalities have also called upon the province to allow for a new signed and marked control crossing to be implemented with rules of the road comparable to the existing pedestrian crossover. This new device is needed to enable crossings at mid-block locations, right-turn slots as well as at roundabouts. The OTC wrote to the minister on this issue in 2011 as well, and we're pleased to see the proposed section 140(8), which will give the minister authority to approve new forms of crossings. Our membership looks forward to working with the ministry on this topic if Bill 31 becomes law.

Turning to Bill 31's measures dealing with cycling, the OTC and our members have been working for the last several years in developing Book 18 of the Ontario Traffic Manual series, entitled Cycling Facilities. Just as with the pedestrian manual that I was referring to, Book 18 brought together municipalities and MTO to collaborate on developing a provincial document for best

practices as the need for bicycle infrastructure grows across the province.

Coming out of the development of that manual, which was released in December 2013, we included a series of recommended changes to the Highway Traffic Act. I'll take a moment to list a few and we're pleased to see that they are contained in Bill 31.

We're pleased to see the cross-rides, which had been under a pilot project in the city of Mississauga, would become legal for use by other municipalities.

Cities such as Toronto have been calling for contra-flow bike lanes, where a one-way street would be able to accommodate a bike lane with traffic travelling in the opposite direction.

Many of our suburban and rural municipal members have long requested the ability for cyclists to ride on the paved shoulder and are supportive of the measure to permit this on unrestricted provincial highways.

In anticipation of provincial action in the area of bike signals, the OTC released in January a bike signals guide, which is on our website, otc.org. We hope that the ministry will incorporate the information we gathered in our bike signals guide and incorporate those into the eventual regulations. The OTC guide also calls for traffic signal heads with lenses containing the silhouette outline of a bicycle, which is used in many other jurisdictions.

In addition to engineering and planning, the OTC represents enforcement and parking officials, so we, to that end, support changes to the HTA in terms of fines for dooring, impaired driving and other offences. The proposed changes to the POA in terms of fines and collections are also welcomed, as defaults are a problem for many of our municipal members.

This morning I was in Vaughan to launch our annual intersection safety course, and of course the problem of distracted driving is always on the mind of safety professionals.

In closing, I'd like to thank the staff of our municipal transportation departments across Ontario, and MTO's traffic office. They are on the front line of keeping Ontario's economy moving and our roads safe.

Thank you for the opportunity to present. I look forward to your questions.

The Chair (Mr. Grant Crack): Thank you very much, Mr. D'Angelo. We'll start with the official opposition. Mr. Harris.

Mr. Michael Harris: Thanks for coming in today. One quick question I had—you just mentioned briefly the uncollected fines. No doubt municipalities are eager for that to happen.

Mr. Marco D'Angelo: Yes.

Mr. Michael Harris: I guess there's a bit of vagueness in terms of how far back we would go to start—you know, a date backwards. I don't know if you have any perspective or thought on that.

Mr. Marco D'Angelo: I don't, because the details of the program aren't known. But default POA fines are a big issue for municipalities, so it's very welcomed from them to see the possibility of plate denial and other measures to try to enforce defaulted fines.

Mr. Michael Harris: Right. Jeff, do you have anything?

Mr. Jeff Yurek: No.

Mr. Michael Harris: We're good. I don't know if there are any other comments that you would have had—I know your time is brief. Is there anything else you'd like to add that you would have added if you had more time?

Mr. Marco D'Angelo: No.

Mr. Michael Harris: All right. Thank you.

The Chair (Mr. Grant Crack): Thank you, Mr. Harris. Mr. Mantha?

Mr. Michael Mantha: Thank you. Welcome to the hearings.

Many kids are taught to stand beside the crosswalk at a point and start crossing only when the cars are stopped. But as written, the law doesn't actually require cars to stop for a pedestrian waiting beside an uncontrolled pedestrian crossing, only for a pedestrian that is actually in the roadway. If there is a steady flow of traffic with no breaks, a pedestrian could wait for a very long time. What if cars were obliged to slow down or stop if a pedestrian clearly signaled an intention to cross?

Mr. Marco D'Angelo: Yes—and thank you for the question. We did consider that when we were developing Book 15 on pedestrian facilities about what would constitute entering the crossing. We believe that there needs to be more clarity about intention to cross. We think that the new pedestrian crossovers will encourage drivers to slow down and stop when it's clear that a pedestrian is intending to enter the crossing. Based on some of the designs that we've proposed to the ministry and that the ministry has been also developing, we feel that having overhead signs and signs in advance of crossings will help to rectify that problem.

Mr. Michael Mantha: So that's how kids are taught to conduct themselves when they get to a crosswalk. Are you saying that that should be a regulation or that it should be legislated?

Mr. Marco D'Angelo: I think that teaching caution is always good, because it is difficult sometimes to find the balance between pedestrians waiting for a gap and then ultimately entering the crossing, but I don't have more to say than that.

Mr. Michael Mantha: Last year, the Ontario Public Health Association criticized the draft guidelines of Book 15 of the Ontario Traffic Manual dealing with pedestrian crossings, saying that the primary principle of Book 15 appears to be to not interrupt motor vehicle flow unless necessary. What has to be done in order to address these concerns?

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Mr. Marco D'Angelo: Well, that's a pretty general concern, but I can tell you that as the project manager of Book 15, it was with the intention of improving pedestrian crossings and enabling active transportation in our cities. We took great note of the coroner's report as well that gave a lot of detail about pedestrian fatalities. That really led the research that we had. So our intention was

to improve the balance between pedestrians and motor vehicle traffic.

Mr. Michael Mantha: One last question.

The Chair (Mr. Grant Crack): Twenty seconds.

Mr. Michael Mantha: Just last week, we were debating roundabouts. We heard clearly evidence in regard to the design, the signage, the inconsistencies throughout. What needs to happen to address these concerns so that individuals are safe?

Mr. Marco D'Angelo: Well, in books like 15 and 18 we tried to—we've actually put forward best practices for roundabouts, so we hope that municipalities will take those under advisement. Some of this legislation as well clarifies the ability for the minister to prescribe how pedestrian crossings should be designed at roundabouts and right-turn channels.

The Chair (Mr. Grant Crack): Thank you very much. We shall move to the government side. Ms. Hoggarth.

Ms. Ann Hoggarth: Thank you very much for your presentation, Mr. D'Angelo, and thank you very much for the work you do to keep drivers, pedestrians and cyclists safe. We all want that to happen, particularly in light of the number of pedestrians that have been hit or killed lately. We want to curtail those numbers very much.

We're aware that the OTC runs a series of safety sessions for mitigating accidents and helping to improve safety at intersections all across this province. Could you please provide the committee with a bit more information about what these sessions entail?

Mr. Marco D'Angelo: Happy to do that. We run a number of different workshops through the year. It ranges from training on bicycle facilities, and we've done about a dozen of those in the past year, to teaching courses in Book 7 dealing with temporary work zones. It can be obviously a real conflict point on our roads when you have workers exposed in traffic at times.

Also, as I mentioned, we have an intersection safety course that deals with liability issues that municipalities may have, and how to design better intersections. That includes crossings. It includes bike lanes. It includes the range of transportation options.

We've really undertaken to incorporate education and elevating the municipal traffic and transportation sector so that we continue to have the safest possible roads in our province.

Ms. Ann Hoggarth: Just one supplementary question: As a former educator, I know that in the health and physical curriculum we have sections that we need to teach about safety, and that's bicycle safety, fire safety, pedestrian safety, those kinds of things. Do you go into schools and do sessions with our students?

Mr. Marco D'Angelo: We do not. There are many other groups that do that, but we are involved in schools in the sense that OTC created the school crossing guard guide, which is used by municipalities to design warrants and to determine the role of school crossing guards. So we're involved in that way in keeping children safe.

Bills like this will help to improve pedestrian and active transportation infrastructure, so that more kids can walk to school or bike to school, and do so safely. So we're very pleased to see this legislation.

Ms. Ann Hoggarth: Thank you very much.

Mr. Marco D'Angelo: Thank you very much.

The Chair (Mr. Grant Crack): Thank you to the members, and thank you, Mr. D'Angelo, for your presentation and answering the questions. We appreciate your presence.

PARACHUTE

The Chair (Mr. Grant Crack): We shall move to Parachute Canada. I believe Mr. Scott Watson is with us, who's the manager of government relations. Welcome, Mr. Watson.

Mr. Scott Watson: Thank you.

The Chair (Mr. Grant Crack): You have five minutes.

Mr. Scott Watson: Thanks a lot for having me today. My name is Scott Watson. I'm the manager of government relations for an organization called Parachute. Thank you very much for letting me go second, so I can steal all the good stats and leave everybody else out to dry.

Just a quick background on Parachute: We're a relatively new organization. We're a national charity focused on injury prevention, the hidden epidemic that's going on in Canada right now. We were formed in 2012, an amalgamation of four previous organizations: ThinkFirst Canada, Safe Kids Canada, SmartRisk and Safe Communities Canada.

As I said, IP, injury prevention, is a hidden epidemic, costing the Canadian economy \$20 billion a year. We get that number from our Economic Burden of Injury report, which we put out every five years. The next one's coming out in a couple of months. But we know from that report that the economic burden of motor vehicle collisions in Ontario is approximately \$599 million per year. And that's just the direct and indirect costs of motor vehicle collisions, the direct costs being health care costs, including treatment and drugs, and the indirect costs, where the societal productivity loss is.

Obviously, motor vehicle collisions are a huge concern for Parachute and we try to provide our expertise, practical solutions and programs, and public policy and social awareness initiatives designed to overcome this burden.

Some key statistics from Ontario specifically: We know that in 2011, which is the most up-to-date figures, there were 498 traffic fatalities, which is the lowest in Ontario since 1944. It's been steadily decreasing since 1992. The number of drinking-and-driving fatalities has decreased significantly over the most recent year, which has led to a fatality rate that's very low, the second lowest in North America, second only to the Northwest Territories.

That said, there are a lot of growing problems, and distracted driving is definitely one of them. It seems like

it's constantly in the news and there are a couple of studies that have highlighted this gap. CAMH came out and said that 46% of grade 12 students say they text and drive. This is confirmed by PHO's report that younger drivers are more frequently engaged in distracted driving, and then it's backed up further by the OPP, who report that 78 people died from distracted driving, 57 died from impaired driving and 44 people died from speed-related crashes. So we know that distracted driving is on the rise.

This is kind of the shocker that drives everything home: The OPP cites that distracted driving is the causal factor in 30% to 50% of traffic collisions, and it's probably much higher due to under-reporting. If you were to take the 177,000 motor vehicle collisions that happened in Ontario in 2011 and divide that in half, that's 88,000 motor vehicle collisions from distracted driving. So we definitely commend this bill as a great way to overcome motor vehicle collisions.

Just looking at the analysis of its implications, just as Bill 203, the Safer Roads for a Safer Ontario Act, 2007, had a lasting impact on speeding and aggressive driving, Bill 31, Making Ontario's Roads Safer, will have similar effects on distracted driving and pedestrian safety.

We know that distracted driving is a growing issue and the passage of this bill will make Ontario's some of the strongest penalties in Canada. As part of the package, there's a provincial scan of all the different distracted driving bans across Canada, and you'll see that Ontario will now be the largest.

The inclusion of the chief coroner's report on the ability for cyclists to ride on paved shoulders and the introduction of dooring legislation is an asset to this bill, and we strongly support it.

I just want to stress that enforcement is only one piece of the injury prevention puzzle. Obviously, environment and education are the other two important aspects that this bill includes, which is great to see. So it's a whole, well-rounded piece of legislation.

In closing, I just want to say that there are very few accidents. In fact, 93% of motor vehicle collisions involve human error, and we can stop the clock on preventable injuries if we act now. This bill is a great step forward, and we're happy to support it.

Thank you very much.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Watson. We shall move to the third party. Mr. Mantha.

Mr. Michael Mantha: You're right: There are some good initiatives through this bill. There seems to be a little piece for everyone that we can actually claim as a win.

The one thing that I'm concerned about is actual oversight and accountability in this particular bill, which is missing and which will permit the government to do some outsourcing of the administration of the motor vehicle inspection centre to a third-party provider. The provider would not be an agent of the crown, which means it may not be subject to the usual oversight of the Ombudsman or the Auditor General. Safety is important;

oversight and accountability are also important. Can I get your thoughts on that, please?

Mr. Scott Watson: Definitely. While it's not my field of expertise, I would assert that obviously the outsourcing of inspectors would have rigorous monitoring and certain qualifications that they would have to meet to be official. I'd hope that that takes public safety into account and that they're not sacrificing that in the name of outsourcing.

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Mr. Michael Mantha: Okay.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Mantha. We shall move to the government side. Ms. McGarry.

Mrs. Kathryn McGarry: Thank you very much for your presentation. As a former nurse, preventing injuries is key; a lot of the folks that I used to see in emergency actually were from one side or the other of a motor vehicle crash, whether they be a cyclist, a pedestrian or in a vehicle itself. So this is very, very important.

Regarding distracted driving, that seems to be the topic that has been picked up in Ontario and by a lot of my constituents in Cambridge. A lot are finally recognizing that distracted driving is probably coming up to the same level as impaired driving has been. As I said, we've seen impaired driving start to go down, but in the meantime, distracted driving offences are going up.

Do you think that distracted driving will become more prevalent over time with the influx of newer technologies?

Mr. Scott Watson: It's a great question. I think, first of all, distracted driving is relatively new. Ten years ago it didn't really exist in the same sense—

Interjection.

Mr. Scott Watson: Yes, new-ish, for introduction of technology at least. So I think, while there's always going to be more technology, they are also taking more proactive steps in terms of design of cars to decrease distracted driving. I know that has become an issue. Then, on the enforcement side, with heavy fines like this, I think we'll see a marked decrease in distracted driving over time if we keep up with the enforcement, education and environmental design.

Mrs. Kathryn McGarry: That's great. I do see it as not just one piece of the legislation—the law itself—but education is a strong component.

Interestingly, last week I was presenting at the Ontario Mutual round table, and they were very, very worried about distracted driving and very complimentary of the fact that on their jurisdictional scan, much like you've put in the chart here, Ontario has already got some of the highest fines regarding distracted driving. With the new law, should it pass into legislation—that and the demerit points—certainly Ontario will have the stiffest fines for distracted driving across Canada.

So do you see it as a new standard that the rest of Canada can adopt?

Mr. Scott Watson: I certainly hope so, for sure. I think only with strong penalties will they realize the true

implications of driving with distraction. I think it's going to be relative to the introduction of seat belts back in the 1970s. It's going to be unheard of, and now it's unheard of not to use a seat belt. So hopefully distracted driving can follow that route.

Mrs. Kathryn McGarry: One of the key pieces is that amongst new drivers, it looks like this will be extending the prohibition for a distracted driving fine for new young drivers. Do you think that will assist our younger drivers in getting the message that distracted driving is about the same as impaired and drunk driving is today?

Mr. Scott Watson: Definitely. I think including it in the graduated licensing program, in that if they were to be convicted it would have implications—that way is a great way to do an over-represented population in terms of motor vehicle accidents. We know that teenagers make up 13% of the driving population and represent roughly a quarter of all those who end up in hospital from motor vehicle collisions. So you're targeting the right audience at the right time, and I think it's great.

The Chair (Mr. Grant Crack): Okay. Thank you very much. Time is up.

Mrs. Kathryn McGarry: Okay. Thank you.

The Chair (Mr. Grant Crack): We'll move to the official opposition. Mr. Yurek.

Mr. Jeff Yurek: Thanks for coming out today. Just a few questions, if I have time for them. With regards to preventing injuries, has your organization come out about any ideas or solutions for the roundabouts that are currently being built throughout Ontario? They now seem to be a wide-open Wild West in terms of being a pedestrian trying to cross the roundabouts. Have you any thoughts that maybe you could add?

Mr. Scott Watson: Parachute hasn't traditionally focused on the implementation of roundabouts. We had a couple of awareness campaigns around National Teen Driver Safety Week and Safe Kids Week, so cycling and pedestrians, but we haven't looked at roundabouts yet. But we'd be happy to be involved in that discussion going forward.

Mr. Jeff Yurek: That would be great. There's a great private member's bill that was passed a week or two ago. Michael Harris here put it through. I think you should probably take a look and maybe provide some feedback on that. It would be really essential as it goes through committee.

My other question is in regard to impaired driving. We seem to tackle the drinking aspect of impaired driving, yet we seem to be a bit behind on prescription medication and/or marijuana use with regard to impaired driving. What can we add to this bill to actually beef that side up? Because I can see that being a potential problem going down, increasing again.

Mr. Scott Watson: I think that next frontier, in terms of impaired driving and drugs, is roadside testing. I know working with our partners at MTO, there are a couple of things in the pipeline that will help our officers administer roadside tests for drug-impaired driving. I hope

there's an emphasis on that going forward, in terms of something that will stand up harder in court. Right now, this bill gives a little more discretion, in terms of determining impairedness, but I think that's the way to go, in terms of quantifying an impaired drugged driver.

Mr. Jeff Yurek: I've got one more question.

The Chair (Mr. Grant Crack): Go ahead.

Mr. Jeff Yurek: Thanks. Just in regard to the interlock system, I have quite a few constituents who break the law and are put on the interlock system. However, getting service to those devices is extremely hard, especially in the rural part of Ontario. Have you done a review of the interlock system and maybe some guidelines for the government to actually improve the system so that people who have interlock are able to get it into the car and get it serviced without really affecting their work life per se?

Mr. Scott Watson: Definitely. Parachute, as a national organization, has done scans on interlock programs from province to province, but we haven't looked at the implementation of interlock programs from a service delivery point, so no comments on that one.

Mr. Jeff Yurek: Okay. Thanks.

The Chair (Mr. Grant Crack): Okay. Well, thank you very much. I appreciate you coming this afternoon and sharing your comments with us. Have a good afternoon.

Mr. Scott Watson: Thank you.

ONTARIO GOOD ROADS ASSOCIATION

The Chair (Mr. Grant Crack): We have, from the Ontario Good Roads Association, Mr. Scott Butler. He's the manager of policy and research. Welcome, Mr. Butler.

Mr. Scott Butler: Thank you, Mr. Chair. My name is Scott Butler. I'm the manager of policy and research for the Ontario Good Roads Association, also known as OGRA. Since 1894, OGRA has represented the transportation and infrastructure interests of Ontario's municipalities.

OGRA and its member municipalities are pleased to lend their support to Bill 31. On the one hand, OGRA believes road authorities are obligated to find ways to make roads safer. On the other hand, OGRA is determined to find ways to place Ontario's municipalities on better fiscal footing. We believe that Bill 31 does both.

With regard to road safety, the government of Ontario has proudly boasted that Ontario is home to the safest road network in North America. Ontario's municipalities control just more than 301,000 lane kilometres of roads and have been instrumental in establishing and maintaining this record. To this end, the provisions within the bill that further enhance pedestrian safety and the safety of cyclists were especially welcomed by OGRA's board of directors.

If there is one amendment that OGRA would like to propose, it would be this: Currently, first responders are given a blanket exemption on the use of handheld devices

in the course of their duties. OGRA would like to see the same exemption extended to public works officials. We believe, for instance, that snow plow operators can make a fairly compelling case that they have, and should have, the right to use such devices in the course of their duties.

As supportive as we've been of Bill 31's safety objectives, we are equally welcoming of the aspects of this bill that improve a municipality's ability to collect outstanding fines under the POA. The notion that money owed to local governments simply could not be collected was a double standard. Some lawbreakers paid; some didn't. The Municipal Finance Officers' Association of Ontario calculated that by 2010, Ontario municipalities had accumulated more than \$950 million in uncollected POA fines. More than two thirds of these fines were imposed under either the Highway Traffic Act or under the Compulsory Automobile Insurance Act.

A number of municipalities, notably the city of Ottawa, have expressed similar frustration with their inability to collect out-of-province fines that were incurred under the red-light camera programs. Any effort to remedy these situations is obviously welcome.

As I'm sure everyone here knows and can appreciate, the current fiscal framework disadvantages municipalities. Only nine cents of every tax dollar collected finds its way back to local governments. Bill 31, we believe, will take a small step towards fixing this.

Ontario's municipalities have been waiting a long time for action on this issue. When I started in this role in 2009, we were assured that progress was being made. In 2010, Premier McGuinty stated, "It's going to be very important to look for ways to ensure that any money owing to us is in fact being paid." That's for all levels of government.

In 2012, the budget proposed a mechanism whereby the issuance or renewal of a vehicle licence plate would be refused for unpaid POA fines relating to the operation of vehicles.

In 2013, at the ROMA/OGRA combined conference, then-Minister of Transportation Glen Murray promised action on what he called a "no-brainer."

In 2015, municipalities don't need any more talk. We simply need action. We need the government to take the action to enhance municipal collection on defaulted POA fines, and we need legislation that promotes the administration of justice and enhances road safety. In short, we need the prescriptions of this bill adopted as soon as possible. Thank you.

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The Chair (Mr. Grant Crack): Thank you very much, Mr. Butler. We'll start on the government side. I will turn it over to Ms. McMahon.

Ms. Eleanor McMahon: Hi, Scott. How are you?

Mr. Scott Butler: I'm doing fine. How are you?

Ms. Eleanor McMahon: It's nice to see you.

Mr. Scott Butler: Likewise.

Ms. Eleanor McMahon: Thanks for being here. You're such a valued partner, OGRA/ROMA and the work that you do, especially the road safety work. It

won't surprise you that I'm going to ask you some questions about cycling.

Mr. Scott Butler: By all means.

Ms. Eleanor McMahon: As you know, in the last three years, we've seen two coroner's reviews, one into cycling deaths in Ontario and the other into pedestrian deaths. Just from a trend perspective, with 5% of Ontarians, or 600,000 people, riding their bike every day in this province now, can you talk a little bit about the paved shoulder piece to the legislation, Scott, and how that captures the growing trend of cyclists, particularly in a rural environment, as municipalities try to seize economic development opportunities?

Mr. Scott Butler: Sure. I think it captures it quite well, and it captures it in the way that you anticipate and certainly can appreciate, having been the head of Share the Road. I think the ancillary component that we hear about here is twofold. On the one hand, people recognize the very opportunities you alluded to in terms of economic development in smaller communities. In the six years I've been with OGRA, we've actually seen that swing wildly, where there was a real aversion on the part of rural communities to embrace this to where they've become the most ardent champions. At the same time, what we see is this sort of habitual reflex, where municipalities are concerned about how they're going to be able to finance the prescriptions contained within the legislation. I think there's a willingness there, and if we can begin looking at a conversation that comes up with a framework that can accelerate implementation, it'll be smooth sailing.

Ms. Eleanor McMahon: As you probably know, there was a fund announced, \$25 million, for cycling infrastructure and passed in the budget. Hopefully that will help as a growing number of municipalities apply to that fund. We'd love your thoughts on other things that we could be doing.

Of course, the paved shoulder piece is an added enhancement for safety, which will be very important. We're changing the legislation, because most people aren't aware of the fact that up until now, or before this legislation was brought to the forefront, it was illegal to ride on a paved shoulder in Ontario. That's welcome change, I hope, from your point of view.

Mr. Scott Butler: Yes. I mean, certainly it seems to be in line with where more and more municipalities are headed. So we were supportive entirely of that.

Ms. Eleanor McMahon: I appreciate that. Thank you.

The Chair (Mr. Grant Crack): Thank you very much. To the official opposition: Mr. Yurek.

Mr. Jeff Yurek: Thanks for coming in today. I just have a couple of questions. You talk about taking the fines and helping the municipalities collect the fines, and that may help finance some of the changes ongoing in here. What are your thoughts on, perhaps—we do have room in this legislation to add an amendment that we can expand the gas tax portion and pay out to every municipality, whether or not they have a transit system, which they could possibly use to fix their roads, bridges and/or add the paved shoulders.

Mr. Scott Butler: We've debated this. I know that the opposition parties have brought forward a number of bills over the last few sessions addressing this.

Our concern is twofold. On the one hand, I think anything that opens up more opportunities for more municipalities to access funding would be welcome. Our concern is that none of the proposed bills have actually proposed increasing the pool of revenue that would be accessed. We're very reluctant to pit one group of our members or one constituency within our membership against another. I think that those who currently access provincial gas tax funding for their transit systems would be really reluctant to see that watered down.

Mr. Jeff Yurek: Well, actually, our last bill that our party put forward would not have decreased any of the funding that municipalities currently have and would actually expand it to cover the municipalities that are lacking. That you would be supportive of?

Mr. Scott Butler: Certainly. If we're talking about financing municipalities, however, there are more attractive options in terms of revenue tools and revenue generation that they'd be looking for.

Mr. Jeff Yurek: Sure. You could put that argument towards that. However, with what the government currently does provide, the majority of my municipalities, of which I have 10, never qualify for any infrastructure funding for one reason or another, whereas this would open the door for them immediately. I'm sure that would expand quite a bit throughout northern Ontario and eastern Ontario, where they are lacking in the funding part.

Mr. Scott Butler: Yes. The infrastructure funding challenge isn't just localized for rural communities. We know from experience and from fact that every municipality struggles with this.

Mr. Jeff Yurek: Great. Thanks.

The Chair (Mr. Grant Crack): Thank you very much. We'll move to Mr. Mantha from the third party.

Mr. Michael Mantha: Good afternoon. How are you doing?

Mr. Scott Butler: I'm doing fine. How are you?

Mr. Michael Mantha: Good. So we talked about a no-brainer earlier, and I just want to—

Mr. Scott Butler: I was quoting that. I should clarify.

Mr. Michael Mantha: Yes. How should the provincial government work with municipalities to ensure that traffic fines are paid? I know it's a no-brainer. So how and what needs to happen in order to get that in place?

Mr. Scott Butler: Well, I think they need to be given the authority to extract that. I know when we're looking at out-of-province fines, there's an agreement—and I can't remember the nuts and bolts behind the agreement that needs to be entered into. As a province, we did extend that same opportunity to the operators of the 407. They're able to collect out-of-province fees that are incurred for use of the 407. We didn't extend that to municipalities to be able to get their infractions incurred through things like red-light programs.

I think the ability to address the situation resides here at Queen's Park. We're just waiting for action.

Mr. Michael Mantha: Okay. How should the province ensure that municipalities and ministries are sharing appropriate information and not letting scofflaws slip through the cracks? For example, do you agree that municipalities should have at least as much information from MTO records as, say, the private operators of the tolled highways?

Mr. Scott Butler: I would like to think so. We know from experience that even trying to get unredacted motor vehicle accident reports from the OPP has proven difficult. Various pieces of privacy legislation have prevented us from doing that.

We're in a situation now where a municipality can incur damage to an asset that they may own and have no way of actually finding out who caused the accident in order to go back on them or their insurer to recoup those costs. I think what we need to look at is a fairly comprehensive and earnest conversation about how we can come up with something collaboratively.

Mr. Michael Mantha: In that earnest conversation—I'll ask you this one last question, particularly from an OGRA perspective. Accountability, transparency—all of that is important to make sure things actually work. In this particular bill, because there's a lot of good little nuggets in here all over the place, there's the one big problem: There's a possibility of having this outsourced to a third party, without that party being a crown agency.

Oversight is very important in order for programs to work. Your thoughts about that potential oversight not being seen by the Ombudsman or the Auditor General?

Mr. Scott Butler: It's something that we haven't given a terrible amount of thought or consideration to. I think that municipal governments are, by nature, the most open and most transparent and closest to the constituents of any order of government. We understand the tensions that come between outsourcing or the private sector providing services that traditionally have been provided by the public sector, but as I said, it's not something that's been top of mind for us. I think the broader thrust around safety and around affording municipalities the opportunity to access revenue that they currently can't is the motivation for our support.

Mr. Michael Mantha: Thank you very much, Mr. Butler.

Mr. Scott Butler: Thank you.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Butler, for coming before us this afternoon. We appreciate it.

ASSOCIATION OF MUNICIPALITIES OF ONTARIO

The Chair (Mr. Grant Crack): Next, we have the Association of Municipalities of Ontario, AMO, and the president, Mr. McNamara. Welcome, sir. I believe you have someone with you as well.

Mr. Gary McNamara: Thank you, Mr. Chair, and thank you to the committee.

Bill 31, the Transportation Statute Law Amendment Act, 2015, is omnibus legislation, and I understand there

has been a thorough debate, with 68 MPPs speaking on it for nearly 14 hours. That is encouraging. I know that the ideas in the bill came from all of the parties, and I appreciate the time and consideration that you have all put into it.

While the bill is broad, including vehicle inspections, distracted driving, pedestrian crossings and other worthy subjects, I intend to address my comments to two aspects—I am limited to five minutes—and they are the importance of the Provincial Offences Act amendments and cycling safety considerations.

The Provincial Offences Act: Regarding the changes to the act, I want to tell you why AMO and our members support them and why they are so important. You may have heard that municipal governments have uncollected POA fines in the order of \$1 billion. That is a significant number, and it took a long time—decades—to accumulate. Municipalities have been waiting almost as long for the solution. Think for a moment about all the things municipal governments do, from roads and transit, clean water, recreation, social housing and emergency services, to name a few. Over the years, things might have been a little bit easier on property taxpayers if these uncollected fines had been available.

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Let me be clear, though: These uncollected fines will not solve our infrastructure gap, and if better fine collection deters people from breaking the rules, then the revenues will decline. So this is not a discussion about more money, in our mind; this discussion is actually about equity and the administration of justice. The rules are set and apply to everyone, but our current compliance tools mean that some are able to ignore them without penalty. The ability to hold these people to account by denying their licence plates and pursuing out-of-province drivers sets a level playing field and ensures fairness to all residents, and that is the important thing.

But let us also recall that these rules are just the start. If this legislation is passed, there will then be much work to be done to implement the changes through procedures and changes to IT systems. If there is one thing local governments have learned, it is that good implementation is just as important as good public policy.

On behalf of municipalities' governments, I urge you to approve these changes and I urge the province to work with municipalities immediately to work on the implementation plan so we do not lose any more time.

Next, I would like to address the bill's focus on cycling. As I'm sure you know, cycling is a growing mode of transportation in many communities. Some residents do it for fun, others for health, the environment and transportation. Whatever the reasons, we should applaud them all. Communities where residents can choose to safely drive or bike or even walk enjoy the quality of life many people look for when they choose a home or hometown. Communities where kids can safely ride and walk are those in which parents can rest a little bit easier. But these changes—safe passing distances, bicycle lighting, paved shoulders for cycling, bicycle

signals and contra-flow bike lanes—not only help to make cyclists safer, they make drivers safer as well by reducing road conflicts and interaction. In turn, this helps to optimize transportation systems to promote health and recreation.

However, much remains to be done. We also need investment in cycling tracks, trails and facilities. The government has announced a cycling infrastructure fund. Our communities look forward to accessing this, and we hope it will be the first installment to support cycling projects.

I'd like to conclude. I have spoken about two specific aspects of this legislation that affect municipalities. I know there are many more that deserve attention, but my time is short. Municipal governments are looking to you to get this right so that we can continue to offer safe roads—vital links to our social and economic life.

I'm pleased to see the debate and the co-operation in the Legislature on this bill to date, and I urge you to continue to work together to send this bill back to the Legislature for approval as soon as possible.

Thank you.

The Chair (Mr. Grant Crack): Thank you very much, Mr. McNamara. We shall start with the official opposition. Mr. Yurek.

Mr. Jeff Yurek: My turn again.

The Chair (Mr. Grant Crack): Yes, sir.

Mr. Jeff Yurek: Thank you.

The Chair (Mr. Grant Crack): You're welcome.

Mr. Jeff Yurek: Thanks for coming in, gentlemen. Just a few questions: How far back do you think you should be allowed to collect these fines? I know you probably want to go right back to the beginning, but what's a reasonable—

Mr. Gary McNamara: Well, realistically, we can't go—I mean, there are obviously deaths; there have been people that have moved out of province, out of country and so forth. But I do believe, when we look at the \$1 billion, in real terms it's probably more in the \$300 million to \$400 million—somewhere in that general area. But obviously, to roll the time back 25, 30 or 40 years, that basically doesn't make sense.

Mr. Jeff Yurek: Okay. You were here when I was speaking earlier with regard to expansion of the gas tax to help fund some of these changes. What are your thoughts on going forward with that? There's room in here for an amendment, easily, that we could slip in here. Would you be supportive of an amendment of such?

Mr. Gary McNamara: Well, when it was first introduced—obviously, when we look at communities, our small rural and northern communities in particular, where their transit systems are roads and bridges and so forth—we were always compelled to say to find some equity throughout the gas tax. Certainly we'd be amenable to having a share—a greater piece.

Mr. Jeff Yurek: You won't be protesting out front.

Mr. Gary McNamara: No, we wouldn't.

Mr. Jeff Yurek: Perfect. Just one more question: I know in my area, my municipalities are concerned with

regard—it goes back to funding—to provincially mandating the program but no funding to follow through with it, and then they have to scramble around their own municipality and take from other services in order to fulfill the provincial mandate. Is there a concern out there with regard to your northern and rural municipalities? I have London, but I don't hear much from them. The rural and northern municipalities: Is there a concern that the funding won't be there after these are provincially mandated on them?

Mr. Gary McNamara: On the POA?

Mr. Jeff Yurek: On this bill going forward.

Mr. Gary McNamara: Obviously, it's always a concern for us to make sure that programs that are brought forward become sustainable and are not dependent, again, on the municipal sector to fund above and beyond.

Mr. Jeff Yurek: Okay. Thanks for your time.

The Chair (Mr. Grant Crack): Thank you very much. Mr. Mantha.

Mr. Michael Mantha: Good afternoon, gentlemen. How should the provincial government work with municipalities to ensure that these traffic fines are actually paid? You referred earlier that you're looking at how this gets implemented. How do you see it being implemented?

Mr. Gary McNamara: First of all, we're going to have to have an ability to share the information. I know that there was mention from our friends from OGRA as well, the privacy issues and so forth that have to be dealt with. But I think the sharing of information is critically important to be able to deal with it. I can tell you that AMO and the provincial government, on many other bills, have worked well together in terms of helping develop some of the programs where there's a benefit to the municipalities. But I think the key here is to make sure that we're able to share information so that we can work collectively together in making this work.

Mr. Michael Mantha: That ties in to my next question: How should the province ensure that municipalities and ministries are sharing appropriate information and not letting scofflaws slip through the cracks? For example, do you agree that municipalities should have at least the same access to the MTO records as, say, the private operators of toll highways?

Mr. Gary McNamara: Obviously, it's the total integration of the IT system that will help mitigate some of those concerns.

Mr. Michael Mantha: In regard to cycling, which is a big, big tourist and family activity across Algoma-Manitoulin, my riding—particularly MICA, which is on Manitoulin Island, and I have a large group on St. Joseph. Bill 31 includes a one-metre rule for cyclists, but is limited to "as may be practicable." How do you think this limited legislation might have an effect on the enforcement and the compliance of it?

Mr. Gary McNamara: Obviously, there's an educational component that will have to take part. When you look at implementation of the one metre or look at the implementation of paved shoulders and so forth, it's very

easy to deal with new construction or when you're reconstructing. It's the adaptability of existing roadways that might be the most difficult. But I can tell you, even on personal experience looking at my own community, where we've adopted cycling as a primary mode of transportation—the whole county. We have active transportation where the county has committed \$70 million over the next 20 years, and a lot of it is educating the general public.

We all have some responsibility, obviously, to the whole share-the-road, and we need to continue to not only look at cycling, as I stated earlier in my comments, as strictly a recreational tool, but also as a transportation and health tool as well.

Again, it's a matter of continuing to educate the public. This type of legislation being brought forward—again, it's like the implementation of seat belts and other things that we've done in the past. It's about educating the public.

Mr. Michael Mantha: Thank you.

The Chair (Mr. Grant Crack): Thank you very much. We shall move to the government side. Ms. Kiwala, I believe.

Ms. Sophie Kiwala: I wanted to thank you very much for being here today. I'm delighted to be here as well, especially to have the honour of asking this question, because it is an area that does interest me.

I was first elected this year and went to my first AMO conference, and I was delighted to hear about so much buzz on this bill. There's a lot of positive discussion amongst the members at AMO. Even being a new MPP, I was able to detect that there was a quite a lot that was positive about the bill. So I'm going to highlight a couple of things that I feel are quite positive and then ask you a question on that.

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I'm very pleased to see the expanding vehicle plate denial to all offences that currently result in the driver's suspension: applying plate denial to all plates owned by a defaulter and providing flexibility in supporting these regulations, if deemed necessary, to limit the extent of retrospective application and exemptions in limited circumstances.

As you're aware, the passage of this bill provides municipalities with more teeth. I think that's really what the excitement was about at AMO this past year—to collect unpaid fines for provincial offences. Do you think that this legislation will encourage more provinces to follow suit?

Mr. Gary McNamara: That's a very good question. I believe so. There's no question. Again, what we're trying to do is to create a system that's equitable and adds responsibility to each and every driver. This legislation, we feel, by giving the municipalities more teeth, gives us that ability.

Let's not make a mistake; this is not strictly a monetary tool. This is a tool, again, that will certainly get the drivers to be more responsible for their actions. I can see this legislation also making individuals more com-

pliant. Will it eliminate it all? No, but I firmly believe that the other provinces are going to follow suit. They've done that on many other occasions. They've followed suit on Ontario's case on many other pieces of legislation. I certainly see this as potentially far-reaching.

Ms. Sophie Kiwala: That's excellent.

The Chair (Mr. Grant Crack): One second.

Ms. Sophie Kiwala: The second part pertains to how it will help the municipalities, and I'm just really pleased that we're going forward with this legislation.

Mr. Gary McNamara: Thank you.

The Chair (Mr. Grant Crack): Okay, thank you very much. Thank you, Mr. President, and the gentleman with you as well. For the record, your name, sir?

Mr. Craig Reid: Craig Reid.

The Chair (Mr. Grant Crack): Nice to have you here. Thank you very much. We appreciate it.

Mr. Craig Reid: Thank you, Mr. Chair.

Mr. Gary McNamara: And thank you to the committee.

ONTARIO TRUCKING ASSOCIATION

The Chair (Mr. Grant Crack): Next on the agenda—we're a few minutes ahead of schedule. We have, from the Ontario Trucking Association, Mr. David Bradley and Stephen Laskowski, I believe, with us. Mr. Bradley is the president and CEO?

Mr. David Bradley: Yes. Good afternoon.

The Chair (Mr. Grant Crack): Welcome, sir.

Mr. David Bradley: I'm flying solo.

Mr. Stephen Laskowski: I'm here now.

Mr. David Bradley: Oh, he's here now. Sorry. Nice to see you.

The Chair (Mr. Grant Crack): Welcome.

Mr. David Bradley: Thank you very much, Chairman, and members of the committee. It's my pleasure to be here today. You've talked about a lot of aspects of Bill 31. There are a lot of good things in Bill 31. We're going to focus on just one element of it that pertains to the trucking industry specifically and is somewhat technical.

In section 38 of the bill, it's proposed that the overall combination length of a B-train, which is a way of coupling two trailers together in a tractor double trailer combination—to extend that maximum overall length from 25 metres to 27.5 metres.

The sole purpose of the recommendation is not to increase the amount of payload or to increase the length of the trailers; it's simply to increase the length of a tractor that can fit within that combination and, in so doing, allow our industry to keep pace with changes in both regulations and technologies pertaining to the environment and to safety—things like being able to fit what are called particulate traps on a tractor. Particulate traps are the things that collect soot. It's being allowed to put a more comfortable sleeper berth on a tractor so that we can provide our drivers with some additional comfort and combat driver fatigue.

This proposal has gone through the engineering and dynamic performance analysis by MTO. It has come out with flying colours. In fact, it's the safest standard combination vehicle on the highways, and there's no denigration of that from adding to the length of the wheelbase.

This is also part of a national harmonization effort. All of the Ministers of Transportation from across Canada—the provinces and territories—have signed a memorandum of understanding that they will all move in this direction. Ontario will be first out of the gates, but this will allow us to be able to move this equipment across the country, which is consistent with the internal trade agreement that the Premier is very actively involved in.

I've provided you with a short briefing note and with some technical drawings. If there are any questions, we're pleased to answer them.

The Chair (Mr. Grant Crack): Thank you very much. We shall start with the third party: Mr. Mantha.

Mr. Michael Mantha: Good afternoon, gentlemen. Bill 31 proposes legislation that could allow the ministry to outsource the administration of the motor vehicle inspection centre system to a third-party service provider. This service provider would not be an agent of the crown, which means it may not be subject to the usual oversight of the Ombudsman or the Auditor General. I know the industry is concerned about “lick and stick” operators who will give someone a pass in exchange for a bribe, and the 2008 report of the Auditor General was very critical of the existing system.

Are you concerned that outsourcing the entire system could reduce accountability even further?

Mr. David Bradley: In an answer, no, we're not concerned. I think there will have to be controls and safeguards on a third-party body as well, but there are lots of good examples—the TSSA and groups like that—where we think things have worked better, in fact, than under direct crown control there.

We do have a serious issue in our industry that we're concerned about, as you mentioned—the “lick and stick”—and so we see these measures as directionally potentially helping with that issue.

Mr. Michael Mantha: Do you think truck drivers should be tested on highways as part of their driver examination?

Mr. David Bradley: Yes.

Mr. Michael Mantha: What sort of oversight is required to ensure driver examination centres are fulfilling their obligation to test new tractor-trailer drivers on our highways?

Mr. David Bradley: I think we've seen an improvement in that area. Oversight is really pretty simple. You have to have people out monitoring what's happening.

What we're most interested in, though, and the issue of most concern to us in that area, is mandatory entry-level training for new truck drivers. We're pleased that the government is moving in that direction now.

Mr. Michael Mantha: What sort of oversight is required to make sure truck drivers receive proper training from career colleges and driving schools?

Mr. David Bradley: Again, firstly, we have to have mandatory entry-level training, which we do not have in the industry, and the government has committed to doing that.

The other things we need are proper standards, standards developed by the industry. My members are the customers of what comes out of the driving schools, so we want to set the standard and have the industry have much more control about what's coming out of the pipe at the end.

Mr. Michael Mantha: Right now, Bill 31 has no accountability or transparency requirement for the outsourcing of the OMVIC system. Do you think the bill should at least specify some minimal accountability and transparency requirement, and if so, what should they be?

Mr. David Bradley: I am not sure about that. I think the devil will be in the details when we see the regulations that accompany the legislation.

Mr. Michael Mantha: Thank you, Chair.

The Chair (Mr. Grant Crack): Eleven seconds: Thank you very much.

We shall move to the government side: Ms. Hoggarth.

Ms. Ann Hoggarth: Just in relation to what was just said, the government very clearly has been having consultations recently to move forward with mandatory training. I think that's important. I think that answers part of the former speaker's questions.

Thank you very much for your presentation. As a new MPP, I learn something every day.

Extending the length of the B-train from 25 to 27.5 metres is something the industry has been asking for, for quite a while. Can you let the committee know or tell the committee an overview of how this will help the carriers and the industry as a whole?

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Mr. David Bradley: What has happened is that the current standards were developed in 1993, and they have served the industry, the province and the country very well. The B-train is Canada's great gift to the world, frankly. But there have been a lot of developments since 1993, particularly on the safety and environmental front, as I mentioned in my remarks. The fact of the matter is, we just can't cram all of the stuff we need to be emissions-free, to reduce GHGs and to provide a safe environment for our drivers onto a 6.2-metre tractor, which is what they were limited to. So that's the big benefit.

The other benefit is going to be that longer tractors are allowed on virtually all other tractor single-trailer configurations in the province. What this will mean is that you won't have to go out and buy a tractor for your B-train now and a tractor for a tractor single trailer. In that sense, it also provides some economy for the industry as well.

Ms. Ann Hoggarth: Great. Can you tell us also how this will help with our issues with air quality and climate issues?

Mr. David Bradley: Yes. The tractors today: There is federal regulation, both in the United States and Canada, that focuses on air contaminants and on GHG reductions,

and the best way to resolve those issues now is through add-on devices that are either part of the drivetrain and the engine or are aerodynamic devices. As I've said, we've had difficulty trying to include all of that within the current envelope of a 6.2-metre tractor. Being able to go to 6.8 metres, we'll be able to add more of those devices onto the trucks.

Our industry's economic goals are more aligned with society's goals in terms of reducing GHGs now than they ever have been. How do you reduce GHGs? You improve fuel economy. So we're in sync with that. The problem is that we have not been able to fit all of that stuff within the current limitations.

We're not adding any payload capacity. We're not going to make any more money out of having these longer tractors. It simply allows us to be able to incorporate those technologies into the equipment.

Ms. Ann Hoggarth: So your group is very supportive of this?

Mr. David Bradley: Yes.

The Chair (Mr. Grant Crack): Thank you very much. Mr. Yurek from the opposition.

Mr. Jeff Yurek: It's good to see you again.

Mr. David Bradley: Likewise.

Mr. Jeff Yurek: Thanks for coming in. This bill deals a lot with safety for the industry, which we're happy to see. What can be added to this bill to help spur the economy, using the trucking association? We're desperately in need of some investment or some growth in our economy in the province. What can we add to this that would help out?

Mr. David Bradley: This is essentially a safety bill. I think that on this particular measure, for example, the fact that it's going to lead to increased harmonization of one of the most popular truck configurations across the country—that, in and of itself, is going to help in terms of internal trade in Canada, which is a big issue. I think, in that regard, we shouldn't underestimate what this can do.

In terms of other things that can be done, I'm not sure that that's within the context necessarily of this bill. I think that investment in infrastructure is important. In Canada—and in Ontario—we have to be better than other jurisdictions, not only in terms of being able to compete and move within the North American supply chain efficiently and predictably, and I think Ontario has done a good job in that regard. If you look at Windsor, for example, with the new expressway, I think that's a very important measure. So that's important to us.

Obviously, we would like to see some things that would involve the federal government, as well as the provincial government, in terms of accelerated capital cost allowances and those sorts of things so that we could move in to newer equipment more quickly than we're able to do right now.

There's no shortage of desire on the part of the industry to move into the safer, more environmentally friendly equipment, but the pace at which that happens is essentially a tax matter in terms of how much we can write off and how quickly, compared to, say, the United States or compared to other sectors of the economy, for example

the manufacturing sector, which gets super-accelerated rates for investing in environmentally friendly technology. We don't see what the difference is between our technology and their technology.

Mr. Jeff Yurek: Great.

The Chair (Mr. Grant Crack): Thank you very much. Mr. Bradley.

Mr. David Bradley: Thanks.

The Chair (Mr. Grant Crack): I believe Mr. Laskowski is also with us. Thank you for coming. I appreciate your comments.

MR. JAMES SMITH

The Chair (Mr. Grant Crack): Next we have Mr. James Smith. Welcome, Mr. Smith. You have five minutes for your presentation, followed by three minutes of questioning from each party.

Mr. James Smith: Thank you very much, Mr. Chair. My name is James Smith. I live in Burlington, Ontario. I am speaking on behalf of myself although I have been involved in many advocacy groups in terms of advocating in our part of the world for active transportation issues.

I wanted to take a moment of your time today to speak as a cyclist and say that I'm very encouraged by what I'm seeing in the proposed legislation, in Bill 31, that is going to do some positive things for the cycling community in the province.

My comments are twofold. One, I think that there are elements within the bill that will put certain responsibilities on cyclists. It will help the cycling community live up to those responsibilities, and that will help break the ice, if you will, with the general public, who may be a little bit grumpy at some of the changes that are coming vis-à-vis cycling improvements in the province.

The really big thing I'd like to talk about is the issue of allowing one metre between a cyclist and vehicular traffic. I think that's really crucial, and I think it shows real leadership on the part of the committee to put that forward because any of you who have cycled in any sort of traffic recognize that perception is a big thing. Going along with that—and I encourage you to pass these recommendations and make this legislation—if this becomes legislation, I think part of that should be some useful public relations so that the average motorist understands that they have to share the road with those of us who choose to cycle from time to time. I'm a motorist as well, and I have to be conscious of that. I have worked with my children over the years to make sure that when they get behind the wheel of the car, or if they're bicyclists, they understand that there's an inherent danger. I think this goes a long way.

That, in a sense, is my comment. I really thank you for the opportunity, and encourage you to pass the legislation that you see before you.

The Chair (Mr. Grant Crack): Thank you, Mr. Smith. We shall move to the government side. Ms. McMahon?

Ms. Eleanor McMahon: Hi, James. Nice to see you.

Mr. James Smith: Nice to see you, Ms. McMahon.

Ms. Eleanor McMahon: For the record, Mr. Chair, he's one of my constituents, I just have to say.

The Chair (Mr. Grant Crack): Thank you.

Ms. Eleanor McMahon: Tell me, James: As a lifelong cyclist, someone who cycles, really, year-round, two questions for you.

Mr. James Smith: Not February. I didn't cycle in February.

Ms. Eleanor McMahon: No. Perhaps people in Russia weren't cycling either. I'm just saying.

From the perspective of education and safety—and I'm glad you touched on it—two questions for you. By the way, a shout-out to my colleagues on all sides of the House, because this bill is an amalgam of private members' bills, and I give shout-outs to both sides, both opposition parties, for their work in this regard.

Once the bill has passed, which we hope will happen soon, what do you think we should be looking at in terms of safety and education awareness programs for the public? Second, how would you see, going forward, the province playing a role in an education program for cyclists?

Mr. James Smith: I think there are a couple of ways that that can help. The first thing would be in our secondary schools, perhaps even in our primary schools as well, a cycling education cavalcade that went around the province and demonstrated the dos and the don'ts. I think it's important in both levels of school—in the early years so kids understand what's expected of them as cyclists. Then as kids get into high school and they start getting behind the wheel of a car, they understand that there are things expected of them as a motorist as well.

I think that kind of thing is important as well as the standard social media and media campaigns that you see from time to time from the province.

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Ms. Eleanor McMahon: What about, again, once the legislation is passed, educating motorists about things like the one-metre safe passing that you've pointed out?

Mr. James Smith: Yes, I think that's crucial. Even social media has a big role to play in that. I remember a few years ago when—I don't know if there was a change in legislation or a change in enforcement, but it was well understood that you had to give way and stop for emergency vehicles. That became a meme across the Internet. I've noticed, over the last few years, that even on busy roadways you see this more and more. So I think that social media aspect to it should be pushed vigorously.

Ms. Eleanor McMahon: Is there anything else you think we should or could be doing? You know about infrastructure funding; I'm hoping Burlington will take advantage of that. But is there anything you think we should be doing or could be doing in terms of next steps with regard to cycling? Example: In Copenhagen they allow traffic lights to be timed to allow cyclists to clear the intersection before motorists do. Are there any other innovative approaches to safety that you can think of?

Mr. James Smith: Certainly one of the things I noticed in the bill is allowing cyclists on one-way streets—

Ms. Eleanor McMahon: —contraflow lanes.

Mr. James Smith: Yes, and I think that's really important. Where we are in Burlington, I often cycle to the GO station. If you can make a direct path to goals like that, it's that sort of infrastructure improvement that I think is crucial to active transportation so that people will get out of their cars and onto their bikes and transit, etc.

Ms. Eleanor McMahon: Hear, hear. Thanks, James.

Mr. James Smith: You're welcome.

The Chair (Mr. Grant Crack): Thank you very much. Mr. Yurek.

Mr. Jeff Yurek: Thank you, Chair. Thanks for coming in, Mr. Smith.

Mr. James Smith: You're very welcome.

Mr. Jeff Yurek: I don't have too many questions. Mine is just a question; maybe we can pick your brain while we're at it since you're a cyclist and obviously have to be on guard every time you're out cycling, because not everybody sees a cyclist on the bike. My question deals with—maybe if you have some ideas with motorcyclists. I can tell you that every year in my riding somebody gets killed because they don't see the motorcyclists on the road, probably because it's going a little faster on the highways and such. What are your thoughts on making cyclists and motorcyclists more visible? What tips do you think we should be going forward with?

Mr. James Smith: I guess it's two-fold. Is it legislative or is it just presentation to the public of best practice? For example, when I go to the store I have a blaze orange vest that I wear. I've got lights. I'm kitted out pretty good. I think you see that in some European countries as well with motorcyclists. Often they wear an X, just a vest, to help identify them in traffic.

It's really difficult; you're right. As a motorist I've had close calls where you check your blind spot and go, "Oh my gosh, there's a motorcyclist."

That really touches home with me because my wife has mobility issues as a result of a motorcycle crash at very low speeds. For months, she was on a Stryker frame. It's all about visibility; it's just a quick-second thing. Anything that we can encourage cyclists and motorcyclists to do to increase their visibility, I think, is really positive.

Mr. Jeff Yurek: Yes, it's hard. I've talked to many motorcyclists, and I'm attending a conference this weekend. They like to wear the black leather, of course. That's the outfit they wear. I'm just trying to think what out there could make them more visible. I can't see them putting on the orange stripe or whatever; it doesn't fit their mode. I was just wondering, out of general curiosity.

Mr. James Smith: Perhaps if they encouraged St. Andrew's crosses in fluorescent orange as part of their heraldic gear, their colours might make them more visible.

Mr. Jeff Yurek: Very good. Thanks.

The Chair (Mr. Grant Crack): Thank you very much. We shall move to Mr. Mantha from the NDP.

Mr. Michael Mantha: I like that suggestion. Orange is good. That's a good suggestion; that's a very good suggestion.

You talked about the responsibilities of the cycling community and education, on both sides. Everybody needs to learn how to share the road. That's going to take some time. There are certainly some poor students out there who choose not to share the road. Hopefully we can correct that.

My question—because you talked about the one-metre rule—is: The one-metre rule for cyclists is limited and it refers to "as may be practicable." How do you think this limitation might affect enforceability and compliance?

Mr. James Smith: Wow. Not being an OPP officer, I'm not really sure if I can answer that. I think it's as much a common-sense rule as anything else. In Burlington, for example, on Lakeshore Road, we have a left turn—it's two lanes of traffic east and west and we have a centre lane for traffic to turn. We also have share-the-road chevrons on that road. In most cases, it makes it relatively easy for motorists to get into that left-turn lane and avoid cyclists, but I don't know that motorists always do that because I've been a cyclist and had people honk at me even though they've got a lane and a half dedicated to traffic. As a result, I tend to avoid that road.

I'm not sure how you actually go about enforcing that, other than in cases like that—let me give that as an example. Perhaps that's a thing that police could use as an example and say to motorists, "Look, I'm letting you off with a warning, but you had a lane and a half or two lanes to get around that cyclist and you were within the one-metre line." I think examples might help.

Mr. Michael Mantha: Something that's been highlighted throughout the day is that there's going to be a lot of education for everyone in sharing our roads.

The one last question I have for you is, should Bill 31 include mandatory truck side guards?

Mr. James Smith: I'd love to see that. I don't know if that's something that you're entertaining or not. It's something I hadn't thought about, but I know that they do have them in Europe and they're certainly saving lives there.

Mr. Michael Mantha: They are saving lives in Europe?

Mr. James Smith: That's my understanding. I think they are mandatory in Europe.

Mr. Michael Mantha: Okay. Thank you very much.

Mr. James Smith: You're very welcome.

The Chair (Mr. Grant Crack): Thank you very much. Mr. Smith, for—

Mr. James Smith: Thank you for your time. I appreciate it.

The Chair (Mr. Grant Crack): —sharing your insight. I appreciate it.

CAA SOUTH CENTRAL ONTARIO

The Chair (Mr. Grant Crack): I'd like to welcome Mr. Elliott Silverstein. He's from CAA. He's the manager of government relations. Welcome, sir.

Mr. Elliott Silverstein: Good afternoon. Thank you very much.

Good afternoon, Mr. Chair, members of the committee. My name is Elliott Silverstein, and I'm pleased to speak to you today regarding Bill 31. On behalf of CAA, I'm pleased to speak in support of it.

CAA was founded in 1903 as an advocacy organization. We engage on numerous issues each year that are of interest to and directly impact our members and drivers across Ontario, from traffic safety to consumer protection, road infrastructure to towing. CAA continues to draw on its century-old foundation of advocating for its members. The breadth and depth of our advocacy work, products and services have demonstrated that no other organization is more in touch with Ontario's road users.

We're a trusted source of information regarding traffic safety and transportation to the public and stakeholders. There are many elements within Bill 31 that help strengthen road safety. We are pleased that this bill incorporates a number of different pieces of legislation that originated from private members' bills from all three parties, including distracted driving, paved shoulders and "Slow Down, Move Over," just to name a few.

For distracted driving: For over 10 years, CAA has been at the forefront of addressing the growing challenge of distracted driving. In 2005, we partnered with the Traffic Injury Research Foundation and hosted the first International Conference on Distracted Driving. A year later, we supported a private member's bill that would ban novice drivers from using cellphones until they obtain their full G licence. We're pleased Bill 31 revisits this issue as it relates to those currently in the graduated licensing system.

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While the provincial ban on handheld devices became law in 2009, there continue to be challenges. CAA and its Traffic Safety Coalition partners launched an annual distracted driving awareness campaign in 2012. Known as Promise to Focus on the Road, the campaign aims to educate drivers about the range of distractions that lead to collisions and what can be done to minimize these distractions.

In recent years, we've heard about numerous tragedies on our roads resulting in legislation being drafted to strengthen penalties for distracted driving, first through Bill 116 and now through the Making Ontario's Roads Safer act. We're seeing the likelihood of raising fines up to \$1,000 and adding three demerit points.

Concerns about distracted driving are at an all-time high. A recent CAA online panel told us that 91% support increased distracted driving penalties, and 86% agree that increasing distracted driving penalties would help deter distracted driving, and it is one of the top three transportation issues on their minds these days.

Currently, the fine in Ontario for distracted driving is relatively minor in comparison to other enforcement tools used across Canada. Despite the efforts, distracted driving has become more prevalent on Ontario's roads, putting motorists, passengers, cyclists and pedestrians at risk.

CAA continues to advocate for increased safety for all road users, and will support changes that balance the desires of consumers with the need to ensure safety for those on the road.

We are pleased that alongside the proposed introduction of demerit points and increased fines, Bill 31 addresses the issues of drivers who drive distracted while in the graduated licensing system. Those in that system are the least experienced in their first five years as a new driver, and they adjust to handling, in that time, different scenarios they may encounter, thus making them vulnerable to being in a collision. Tackling those in the graduated system sends a clear message that their sole priority should be to focus on the road and gain the experience needed to drive on Ontario's roads.

Through "Slow Down, Move Over"—this has been a long-standing advocacy effort by CAA, not just in Ontario, but across Canada and in the United States with our counterparts at the American Automobile Association. Currently, "Slow Down, Move Over" laws apply to tow truck or road-side assistance vehicles in five Canadian provinces and almost every American state. CAA has worked with MPP Garfield Dunlop on two previous private members' bills, and we've collected in excess of 8,000 signatures through a petition on this issue.

Motorists and tow-truck workers risk injury and death during tow-truck service calls because passing vehicles are currently not required under the Highway Traffic Act to slow down and move over on approach.

Everyone deserves a safe place to work, even in non-traditional environments, such as the side of the road. There have been deaths and many near-death experiences, as well as injuries of workers and motorists when they're stopped due to mechanical failure, damage or collisions on our roads and highways.

In a recent survey, 83% of our members responded that they support the provision to extend it to tow-truck vehicles.

In terms of cycling, CAA has made significant efforts through our member benefit offerings and our road safety programs and partnerships to encourage cycling and promote safety among all road users.

We estimate nearly 750,000 of CAA's Ontario members and their families cycle for leisure, fitness and commuting purposes. In recent years, CAA has worked extensively on advocacy issues related to cycling, including ongoing efforts with the Share the Road Cycling Coalition. We've been pleased to participate in the cycling strategy working group that led to the release of the #CycleON strategy.

We support legislation in making it safe for cyclists and drivers to share the road, including measures listed in Bill 31, such as permitting cyclists to ride on paved shoulders on unrestricted highways.

In addition, an issue like dooring is a subject that CAA has addressed through our Watch for Bikes safety campaign, a decade-long campaign that reminds drivers to be cautious of the presence of cyclists as they open their doors or change lanes.

Lastly, Bill 31 also addresses a number of emerging issues, including impaired driving through drugs. This is a complex and serious issue impacting road safety, and including it in legislation helps raise awareness and dialogue.

Altogether, CAA has been pleased to work with the Ministry of Transportation, numerous MPPs and other key stakeholders to discuss a number of road safety issues that are reflected in the bill being discussed today.

The bill, if passed, will provide additional safety measures for road users, regardless of their mode of transportation. We're excited to see a number of these initiatives become law and look forward to engaging with our members about the changes to Ontario's roads in the very near future. Thank you.

The Chair (Mr. Grant Crack): Thank you very much, sir. I appreciate it. Mr. Mantha, from the third party.

Mr. Michael Mantha: Good afternoon.

Mr. Elliott Silverstein: Good afternoon.

Mr. Michael Mantha: Bill 31 proposes legislation that could allow the ministry to outsource the administration of the motor vehicle inspection centre system to a third-party service provider. This service provider would not be an agent of the crown, which means it may not be subject to the usual oversight of the Ombudsman or the Auditor General.

This bill will also allow the government to appoint a director of vehicle inspection standards who would not be a public servant, as is currently the case. In addition, this director would have broad new authority to issue directives concerning safety standards, inspections and certificates.

Is this a power that you would wish to outsource to an unknown third party?

Mr. Elliott Silverstein: In terms of the bill, from CAA's perspective, it would address a lot of the safety issues related to the members. The issue in regard to the inspections is a particular area that we have not concentrated on, specifically, through these discussions. So I really don't have a specific answer for you on this particular item, as I really don't have enough information on that topic.

Mr. Michael Mantha: Okay. Right now, the bill has no accountability or transparency requirements for the outsourcing of the MVIC. Do you think the bill should, at least, specify some minimum accountability and transparency requirements, and, if so, what would those be?

Mr. Elliott Silverstein: Through all pieces of work that we've done with the Ministry of Transportation, we certainly provide feedback. I think, as we hear from our members when they have a concern, we certainly want to make sure that there is accountability for any type of issue. We want to make sure that there are opportunities for feedback, opportunities for discussion, if there's an issue. What I've seen through Bill 31, through a lot of the elements, there's been a lot of dialogue. If there are concerns that do come about, I think there's an opportunity for us to raise these issues, if there are things that come about down the road.

Mr. Michael Mantha: Okay. The Highway 407 East Act currently requires the Registrar of Motor Vehicles to formally notify plate owners, by registered mail or courier, that their plate is about to be denied because the highway operator claims that they didn't pay the toll bill. Bill 31 would remove that consumer protection. Is this a fair action?

Mr. Elliott Silverstein: You're saying in regard to removing the restriction to—

Mr. Michael Mantha: To notify the plate owner.

Mr. Elliott Silverstein: Again, I'm not very well-versed on the specifics of what the changes would be related to the changes for the 407 and the registered mail content, unfortunately.

Mr. Michael Mantha: Okay. Thank you. Those are my questions.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Mantha. We shall move to the government side: Ms. McMahon.

Ms. Eleanor McMahon: Thank you, Mr. Chair. Thanks for coming, Elliott, and thank you to CAA and all your member clubs for all the work that you do in cycling across the country. I know it's been a real game-changer for people to see that CAA is part of the conversation and leading the conversation in so many communities.

I could talk ad nauseam, but I do want to acknowledge the gold-medal-award-winning campaign that CAA led and helped us develop while I was at Share the Road, which really has been all about sharing the road and getting the message out to drivers and cyclists at the same time, as colleagues across have mentioned.

I want to talk a little bit about education and awareness, because CAA has worked very hard. You had your Watch for Bikes campaign that has been provincially led and community-driven, which has been so important.

How do you see the next steps of this legislation rolling out? If you wouldn't mind just elucidating on that in terms of other campaigns that might be to come and how CAA might play a role in that, given the size of your membership and all the polling work that you've done, and the number of people in your membership who have indicated they are cyclists.

Mr. Elliott Silverstein: Certainly. In Bill 31, with the scope of changes that are coming about in terms of the changes for road users, there's a great opportunity in all aspects to focus on education. I think it's important for all the changes coming about to help educate motorists, and all road users at large, to really understand the changes to the road. I think that there are some great outreach opportunities.

With the scope of our membership, which is in excess of 2.3 million across Ontario—that's a significant number, and they're a very engaged group. Certainly, we are eager to work with all parties on all sides to help highlight a lot of the changes, a lot of the benefits, that will be coming out of this particular bill. As I mentioned in my comments, this is a bill that really came from all three political parties. It's fantastic to see that the initiatives that are designed to help road safety across the province are all coming to fruition through this.

Ms. Eleanor McMahon: Excellent. Yes, it's been a tremendous piece of non-partisan work on all sides of the house. It has been terrific.

In regard to the one-metre safe passing law, I'm hoping that we'll see CAA take a role in helping to, again, work with the motoring public. I wondered—I'm not sure of this, actually—since the law has been in place in Nova Scotia now for some time, if your club there has had any expertise that they can offer in terms of education and awareness? As you know, over 20 US states, and growing now, have the three-foot passing law. Anecdotally, do you have any evidence of what's happening in Nova Scotia, or has CAA played a role there? Do you know?

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Mr. Elliott Silverstein: Specifically I don't have any examples from Nova Scotia. Certainly we do have our colleagues out in the Atlantic region that we can reach out to and get a better understanding of how the changes were impacting motorists out there. I think it's a great anecdote to highlight that there are some best practices potentially to draw from.

From our perspective, we have an opportunity, through a lot of our successful campaigns, to really try and move the needle forward for all road users, to really try and understand what the changes mean.

For safety measures, no matter how you're using the roads, whether it be as a pedestrian, a cyclist, a motorist, whatnot, I think really there's a great opportunity here, and we are certainly glad to be part of the process and look forward to really seeing a number of the issues in Bill 31 come forward, including "Slow Down, Move Over," which has been a huge issue for CAA.

Ms. Eleanor McMahon: Finally—

The Chair (Mr. Grant Crack): Thank you very much; appreciate it. Mr. Yurek.

Mr. Jeff Yurek: Thanks, Chair. Hey, Elliott.

Mr. Elliott Silverstein: How are you doing?

Mr. Jeff Yurek: Good. I don't have too much to add. I'm grateful to the CAA and what they do for our province, for their being great advocates and occasionally picking up my truck at the side of the road when I get a flat tire, but that's another discussion.

It's great to see the changes to distracted driving in this bill, but it's concerning that this could have been done through an order in council over a year ago when we first brought it up to the minister then—Glen Murray, at the time. Then we could have moved on and maybe added some other changes to legislation that would have improved road safety.

Do you have anything that you think is missing from this bill that maybe we could add in as an amendment to make it a stronger bill?

Mr. Elliott Silverstein: When we look at the contents of Bill 31 you're looking at, I think, at least four or five, at a minimum, different private members' bills that were consolidated into this. At the end of the day, this is a really significant change to the Highway Traffic Act.

From CAA's perspective, our three issues over the last few years have been distracted driving, cycling and

"Slow Down, Move Over." So from our perspective, really the issues that we have been addressing at Queen's Park since about 2011 or 2012 are contained in here.

As an actual evolution, additional issues will come to fruition, and certainly we'll be back at the table having discussions with everybody as we start seeing new issues coming forward. I think that as we talk about the evolution of some of the newer issues like impaired driving through drugs—that's an ever-evolving issue that we may have to revisit in six months, 12 months, or 24 months.

Mr. Jeff Yurek: Does CAA have any comments or discussion papers—if I can ask this on behalf of Michael Harris—on roundabouts? We're quite concerned with the explosive growth of roundabouts, particularly in the Kitchener–Waterloo area. Your thoughts as we move forward?

Mr. Elliott Silverstein: Sure. CAA has been supportive of Mr. Harris's initiatives, private member's bills, on both occasions on roundabouts. We think that it's important to really highlight the understanding and the education component around roundabouts but also address some of the issues around the standardization and the usage for various types of vehicles, and people with accessibility trying to access it effectively.

I think that when his bill was addressed last week we certainly highlighted our support for that and really want to see that bill come to this committee for future discussion. We support him today and we continue to support his initiatives on that. It's a great bill that we believe is helpful for all Ontarians.

Mr. Jeff Yurek: Great. I've got one more question.

The Chair (Mr. Grant Crack): Sure.

Mr. Jeff Yurek: This is a quick and easy one and it has nothing to do with this bill at all.

In your magazine, CAA, I notice that CAA members get discounts on certain items, except the Tilley hat. Is there any reason why there's no discount on the Tilley hat?

Mr. Elliott Silverstein: I can honestly tell you that my day-to-day work does not involve anything related to the marketing or the magazine so I really couldn't comment on that specifically, unfortunately.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Silverstein, for coming before the committee. We appreciate it.

ARRIVE ALIVE DRIVE SOBER

The Chair (Mr. Grant Crack): Next we have Arrive Alive Drive Sober. We have Ms. Anne Leonard, who is the executive director.

We welcome you this afternoon. You have five minutes for your presentation, followed by three minutes of questioning from each party.

Ms. Anne Leonard: And no clock?

The Chair (Mr. Grant Crack): I'll help you out.

Ms. Anne Leonard: All right; thanks for that.

I know some of the people around the table today. I don't know all of you, though. Our charity: I describe it

as the meeting ground for impaired driving in Ontario. Our messages and materials do go beyond Ontario—not on our dime but by broadcasters and other partners if they choose to.

We don't have chapters; we have members. We meet several times a year. We host an annual conference and we share information and exchange ideas and best practices. That's who I'm representing today. Some of our own members may have represented themselves. CAA comes to some of our meetings. I'll just leave it at that.

In regard to Bill 31, I just wanted to comment briefly about distracted driving. We have a policy and legislative review committee. We have several committees; that's one of them. Our membership, as well, has discussed distracted driving because it seems to be maybe eclipsing drunk driving, maybe not. Our charity right now is not working on distracted driving, so I'm not going to comment too much about it, except to say we're not fully convinced yet that it's worse than drunk driving. We agree that it's bad, and it's probably on the rise, so it's certainly something to be of concern.

We also agree that fines alone aren't going to deter people. We've seen with impaired driving that fines alone won't deter you from committing the offence, so it's probably time for demerit points because that seems to get people's attention more. I can tell you from impaired driving that when you do pass this bill, and assuming that demerit points are part of it, you'll want to make sure people are educated about it. We find with impaired driving, sometimes people don't know what all the penalties are. Some of the work we've done is to educate people around that.

With regard to other aspects of the bill, we're mostly concerned about the drug-impaired driving parts of it. I'll read you what I've written, just in case I run out of time. The suspensions related to standard field sobriety test and drug recognition evaluation are welcome. There is a lengthy history in the drugs and driving area to do with detecting, measuring etc. I'm sure you've already heard a lot about all those different statistics and the processes—one-legged stand, walk and turn, and all those things.

We think the ministry has carried out a healthy amount of collaborative discussions. I see some of my colleagues here, and we've had a number of meetings. They've hosted meetings over the last year or two. Federally, they've had meetings too about drug-impaired driving. I think everybody agrees it's a concern. The standard field sobriety tests will allow an officer to form an opinion around if someone is impaired. I know that they have been historically frustrated, because they'll pull me over, for example, and they can tell that I'm too high to drive, but they may not be able to detain me from leaving with my car because of the way the legislation rolls out. I understand that there are parts of Bill 31 that would change this so that police would be allowed to keep me from driving for three days, seven days, 30 days etc. That would be a good thing and a welcome thing. I think it must break their hearts to have drivers who they

know are high on something, but they can't stop them legally from driving. So we welcome that.

The SFST and DRE testing, of course, has been going on for decades. We hosted a conference in 1996, and there was an officer talking then about drug recognition testing. There's a lot of science and a lot of history to it. There will be more technology coming forward, I'm sure, that will be more accurate, maybe easier, maybe cheaper—who knows?—as the issue evolves and as testing continues. In the future, there will be other measures, but for now, SFST and DREs are what we have, so we'd like to see you working with them and getting drivers off the road with that information.

The other thing I'd like to tell you is that drug-impaired driving remains a concern. Some people think that people will choose to drive high instead of drunk because they think they can't be caught. There is a culture out there that actually thinks it's okay to drive high. Some young people think they drive better stoned. We get messages from people saying, "Oh yes, I took my driving test stoned," or "I had my picture taken stoned."

Interjection.

Ms. Anne Leonard: Yes, we get emails from people.

Anyway, you should be concerned about it. We're glad that there's something being done to change how it's addressed. We'd like to support anything you do in that regard. If there's messaging or whatever that needs to be done to share information, we'd be happy to be a partner, or not—whatever works.

We have done our own messaging over the years for drug-impaired driving. We've got a video called iDRIVE that talks about drug-impaired driving as one of the seven major concerns on the roads. We have a public service announcement that addresses standard field sobriety tests and that the consequences are the same.

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We have a campaign we've partnered on over the last two years called on Eggs on Weed. I've included samples of a lot of our stuff in this bag. Drug-impaired drivers are not the same as drunk drivers. They're a different breed. They're a different animal and you need a different response for them.

The Chair (Mr. Grant Crack): Okay. Thank you very much. We appreciate it. I kind of jumped the gun before and let Mr. Mantha go previously, so we'll go with the official opposition first on questioning.

Mr. Jeff Yurek: Thank you, Chair. It was okay. The last sequence worked out, so that's good—no worries.

The Chair (Mr. Grant Crack): I'm glad.

Mr. Jeff Yurek: Thanks for coming out today. I appreciate you really focusing on the drug-impaired driving, which I think is the next large topic that we'll probably be dealing with down the road. Has your group or maybe the government—I have no idea what the government does—spoken to the pharmacists' association, per se? Because when you talk about drug-impaired driving, we're thinking illegal drugs. There's a whole lot of people out there who get regular prescription medications who shouldn't be driving their vehicles, even

though they have counsel. But I think there's an education strategy out there that you could utilize pharmacists, per se, for decreasing that risk because they're the ones handing out the prescriptions.

Ms. Anne Leonard: We actually had a member on our council for several years from the OPA. They're not a member today, but that's only because of priorities, I guess. It doesn't cost to be a member of our group. It was just that they were busy with other things.

Certainly improper use of prescription drugs is a concern, and I know anecdotally from different police services that that's what they're seeing to some extent. So absolutely, there's an opportunity for messaging there.

I think pharmacists are pretty good about telling you, "Don't drive" or "Don't operate heavy equipment," so it's probably more about misuse of prescription drugs than proper use of prescription drugs.

Mr. Jeff Yurek: I'm a pharmacist, so I think they're the best profession in the world.

Ms. Anne Leonard: I used to be a pharmacy assistant.

Mr. Jeff Yurek: There you go.

My other point is, your thoughts as a group—there's been a lot of talk about decriminalizing marijuana nationally. What effect do you think that's going to have with regard to impaired driving?

Ms. Anne Leonard: Well, I'll say we were sorry that there wasn't some kind of yardstick in Colorado when they decriminalized pot there. It would have been nice if they had had a measuring point to see if it increased drug-impaired driving or not. If there were decriminalization, you would assume that it might result in an increase in pot-impaired driving.

Mr. Jeff Yurek: Do you think we'd have to come back and balance out the penalties and fines? Should we tackle it now and maybe really increase the fines and penalties further than what they are?

Ms. Anne Leonard: I think Bill 31—that's exactly what it does is balance the SFSTs with the warn range and DRE with an ADLS, etc., and all of our other consequences are already very similar. It's really complicated to discuss.

For example, one of the consequences for impaired driving that's different is that if you do me for drug-impaired driving and I have all those consequences, one of them is an ignition interlock device, but it won't stop me from driving high; it'll only stop me from driving drunk. But aside from that, most of our consequences are very similar.

Mr. Jeff Yurek: Okay. Thank you.

The Chair (Mr. Grant Crack): We shall move to Mr. Mantha.

Mr. Michael Mantha: Good afternoon. Is there anything that you wanted to highlight that you didn't get a chance in your deputation?

Ms. Anne Leonard: Thank you for that. No, I think mostly that the chemical solutions where someday there'll be a Diastix or something for testing drug-impaired driving, but those solutions are a long ways off.

I think the standard field sobriety tests and the DREs are the tools we have right now and we should be using them to the extent that we can.

Mr. Michael Mantha: Okay. Under Bill 31 they currently rely on physical coordination tests conducted in the field. There have only been a few successful convictions for drugged driving under such circumstances. How might the province ensure that the laws against drugged driving are enforceable?

Ms. Anne Leonard: How will they ensure that they are enforceable? I think what you'll see is that it will be like the battle we had with drunk driving, going back 30 or 40 years. You're going to see challenges, and hopefully we'll get good case law and not bad case law to bring some validity and credence to the drug-impaired driving testing process.

But it's almost too soon. I don't know that we've had enough—the federal changes came in July 1, 2008, for making the demand for a test. It's still really relatively new legislation and a new field of concern. You're going to have 10 years of battling, I think, with any legislation.

Mr. Michael Mantha: I'm granting you one wish and one wish only. You can improve this. You can suggest an amendment to this bill. What would that amendment look like?

Ms. Anne Leonard: An amendment to the bill? I don't know. It's a big bill. Make some education about the new legislation part of it. I guess that's predictable; of course that's what I would say. Anyway, legislation that people don't know about doesn't stand as a deterrent, right? We don't really want to catch drunk drivers. We want them to not drive drunk. That's the goal. We don't want to catch you after the fact; we actually want to prevent you from doing it. So just make sure people know. For 15 years, we've been finding that people are unaware of the fulsomeness of many of our consequences for impaired driving.

The Chair (Mr. Grant Crack): We'll move to the government side. Ms. Kiwala.

Ms. Sophie Kiwala: Thank you very much, Anne, for coming today and for presenting to the committee. The costs of preventable accidents from drugs or alcohol, as you know and everyone who is here knows, no matter the party, cannot be underestimated. I had the unfortunate opportunity to learn that just this past weekend when I went to my constituency office and discovered that an old classmate of mine when I was a teenager had been in a terrible accident; his friend was killed and was right beside him. I signed his birthday certificate in a long-term-care home, not because of his physical condition but because of his mental condition. The costs of drunk and drugged driving cannot be underestimated, and I can't expand on that enough.

In this bill, expanding requirements to complete remedial measures and an ignition interlock program for repeatedly driving with a blood alcohol content exceeding any combination of a blood alcohol threshold is one good feature. Another one is extending the current reduced suspension with ignition interlock. Conducting

review programs for repeat offenders is also extremely important.

My question to you—I understand that you and your team had an opportunity to speak with the minister at the end of last year. I believe you spoke about Arrive Alive's Drive Sober campaign, and I was wondering if you could share with the committee some of those details about how Bill 31 will help to push some of those initiatives forward.

Ms. Anne Leonard: From our perspective—and I realize there's biking stuff in here and school buses and other issues—our primary concern or interest in the bill is around the drug-impaired driving parts. There have been some challenges in trying to get that message out there, for a number of reasons. We've had a tremendous amount of success and support for Arrive Alive Drive Sober because of the nature of the campaign and the willingness of the public to admit that they used to drive drunk but they don't now. So most people are very good.

Traffic Injury Research Foundation stats tell us that most of us, 80% of us, never drink and drive, and 93% of our drunk driving trips are made by 4.4% of drivers. So most of us get it. In Ontario, of course, 4.4% of drivers is something like 400,000 drivers, so it's a pretty big problem still.

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It has been almost easy to educate about impaired driving by alcohol. Impaired driving by drugs is not as welcome a conversation. Broadcasters don't want to hear about it. There's no obligation from alcohol retailers or manufacturers, distillers, brewers to educate on it. They don't sell the drugs; they're not making money on the drugs; there's no tax on the drugs—the illicit ones, anyway. So that message is difficult to get out there. So we're glad to see the changes.

I assume you've had the police present, but I can tell you, from the police colleagues we have and from conversations going back many years—maybe 10 years—with one of them about the frustration of not being able to take a driver off the road when you know that they're affected by something. They will be a risk to everyone on the road.

The Chair (Mr. Grant Crack): Okay; thank you very much. Thank you to all the members and thank you, Ms. Leonard, for coming forward and speaking to us today.

Ms. Anne Leonard: I left some stuff behind that you can take home and share with your teens.

The Chair (Mr. Grant Crack): Yes; thank you very much. I appreciate that.

ONTARIO PUBLIC SERVICE EMPLOYEES UNION

The Chair (Mr. Grant Crack): Next we have, from the Ontario Public Service Employees Union, the president, Mr. Warren Thomas. We welcome you, and I believe you have an executive board member with you. Feel free to introduce her as well.

You have five minutes, sir, followed by three minutes of questioning from each of the three parties.

Mr. Smokey Thomas: Good afternoon. My name is Warren Thomas and I'm the president of the Ontario Public Service Employees Union.

Edie Strachan is with me. Edie is an executive board member of OPSEU, a member of the Ministry of Transportation Employee Relations committee, and a transportation enforcement officer based in Halton. We're here today representing both our MTO members and the 125,000 OPSEU members across the province.

I want to comment today on planned amendments to the Highway Traffic Act that will privatize the motor vehicle inspection station program, known as MVIS. We represent the 31 transportation enforcement officers, also known as vehicle inspectors, who deliver the program across the province.

The TEOs who enforce the MVIS program have grave concerns about handing the program over to private interests who may have ties to the trucking and commercial vehicle industry. MVIS enforces the issuing of provincial certificates of safety and compliance, commonly known as "safeties," by about 13,000 motor vehicle inspection stations. These are mostly private garages and dealerships.

There are about 30,000 registered mechanics across the province who do the safeties. Licensed garages are empowered to conduct safety inspections on vehicles being transferred to new owners and on commercial motor vehicles travelling our highways with other road users. Vehicle inspectors screen the garages and dealerships that want to issue safeties to cars and commercial vehicles. They provide orientation to the successful applicants to make sure that they have the required tools and equipment, they employ mechanics that are registered with the MTO, and they maintain vehicle records and documents.

Vehicle inspectors investigate complaints of false or fraudulent safety inspections, poor-quality safety inspections, the theft of safety books and the failure to return crown assets when stations are closed. Vehicle inspectors also provide information to licence stations, the general public, potential complainants and other enforcement agencies.

Vehicle inspectors ensure that the program operates in a fair, transparent and equitable manner. All applicants are treated the same during the application process, whether they are a single-owner garage or a multi-million-dollar car dealership. There is no favouritism and no preferential treatment. All applicants must meet the same criteria.

Our vehicle inspectors are concerned that once the program is privatized, garages and dealerships with more money and influence will receive preferential treatment. Investigations into cases of false or fraudulent safety inspections are a core component of the MVIS program's mandate. Each and every investigation is taken seriously. Investigations are conducted in an impartial and transparent manner. Fact-finding and hard evidence are what

matters. This ensures the fair treatment of both the complainant and the garage. The government of Ontario does not run the MVIS program to make a profit but rather to enforce a minimum level of public safety. There's no profit motive. As much time is spent on investigations as is required to come to a factual conclusion.

Our vehicle inspectors strongly believe that privatization will completely change the scope of the investigations into false or fraudulent safety inspections. Our members, transportation enforcement officers in MTO's road safety division, have observed an alarming trend at the MTO in recent years. They are concerned that industry associations advocating for commercial vehicles are being given an ever greater hearing by senior government officials. Our union believes that investigations carried out by a private contractor will give far more weight to factors relating to the garage or dealership's business concerns than an impartial investigation carried out by public sector inspectors. Professional standards will fall as the private contractor will employ people who will work at the lowest possible cost.

My members certainly care about earning a wage that reflects their knowledge, experience and professional qualifications, but what also matters to them is how they earn that wage. They are proud to keep our roads safe through fair, transparent and ethical enforcement. They want to work for an employer that has public safety, not profit-making, as its number one priority.

Our vehicle inspectors believe that a private contractor will not carry out key responsibilities of the program because of the time and care required. These include:

- a full history check of the applicant to ensure there is no straw ownership;
- providing sufficient orientation to the applicant prior to the garage being able to issue safety certificates;
- carrying out audits of garages to ensure tools and equipment are in working order, mechanics are registered with the MTO and the garages are keeping records of vehicles that have been issued safeties; and
- monitoring garages for the levels of issued certificates and analyzing the location of the garage versus the location of inspected vehicles.

In closing, my union calls on the committee to delete all amendments to Bill 31 that will replace the MVIS program with a privatized system. We believe the privatization of the Motor Vehicle Inspection Station program represents a significant risk to road safety and public safety in this province.

I'll just close by giving you one example. Our members don't have whistle-blowing protection, but I had a member who works in this program come to me and say, "We used to have eight inspectors. Over the last few years they haven't replaced vacancies, laid a couple of people off and we now have two inspectors to service an area that eight used to cover." This person went to their boss and said, "We have a garage here that used to go through one book of safety checks a year. They're now going through 10." So, obviously, they're just selling them in the bar without doing the safety checks. "You

know what the manager told me? 'Oh, don't worry about it. We don't have enough staff to follow up on it.'" That person has no whistle-blowing protection to blow the whistle on that manager, so I'm trying to find another way to get it out in the public domain.

We'd be happy to answer questions.

The Chair (Mr. Grant Crack): Thank you very much. I appreciate that. We'll move to the government side. Ms. McGarry.

Mrs. Kathryn McGarry: Thank you very much. It's nice to see you again, Mr. Thomas.

I just wanted to reiterate that the safety of our roads in Ontario is still this government's top priority, and although we are one of the safest road users in North America, that's still one of our key priorities.

In terms of the standards when we're looking at truck inspection stations, certainly the standards are not going to be changing with this bill. Indeed, the government is moving forward to create efficiencies.

One of the questions that I did have for you, Mr. Thomas, was, how was OPSEU involved during the consultation on Bill 31?

Mr. Smokey Thomas: We found out that you were doing this Friday morning.

Mrs. Kathryn McGarry: Okay.

Mr. Smokey Thomas: I'll answer your question with a question. I'll just refer you back to Sunrise Propane, when you privatized the inspection of that industry and gave it out to the people who run it. Look at how that worked out. Some 31 people and efficiencies? Come on; this has got to be an ideology.

Somewhere there's a manager who's going to bid on this and get it as soon as he retires, and that's what we believe is going to happen, because it's happening in IT every day of the week. I write to your Premier—your boss—and Deb Matthews probably about twice a month with this kind of stuff. I never get a response, other than, "Go to hell."

Mrs. Kathryn McGarry: In October, in the last session, this road safety bill was brought forward, and we actually had a very big splash down at the Metro Toronto Convention Centre with a number of our road safety issues. It was certainly well publicized. So we have been consulting on this bill since then, and we have had many hours of legislation before it has been able to come to committee.

So another couple of questions: What would OPSEU's position be then on a pedestrian safety component of Bill 31?

Mr. Smokey Thomas: It should all stay in the public domain, not be privatized. Public services should be for people, should not be for profit. Whenever you introduce a profit motive into it—which is what you will do if you privatize it; somebody has got to make some money doing it—

Mrs. Kathryn McGarry: Does that have something to do with pedestrian safety?

Mr. Smokey Thomas: —you're going to have trouble. Keep it public.

Mrs. Kathryn McGarry: Okay. How about safe-lane cycling? Does OPSEU have any commentary on the many different aspects in this bill regarding cycling safety, like the one-metre rule, the paved shoulders, a number of different cycling safety concerns?

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Mr. Smokey Thomas: Have you got any comment on that?

Ms. Edie Strachan: No, we're here specifically to address the road user safety component of this, and the MVIS and the problems that currently exist, and how that will be exacerbated with this new legislation.

Mrs. Kathryn McGarry: Okay. I have one more question for you, then. What would OPSEU's position be on the provisions of the bill that increase fines for distracted driving in Ontario?

Mr. Smokey Thomas: I don't have any opinion on that. We're here today to represent our members, not distracted drivers. Whatever you want to do on the fine part is fine with me.

Ms. Edie Strachan: Actually, our officers now do those fines. Distracted driving is a very large problem in Ontario, and the definition of "distraction" could use some work, in my honest opinion.

The Chair (Mr. Grant Crack): Okay, thank you very much. I appreciate it.

Mr. Smokey Thomas: Could I just close by asking a question? How long did it take all of you to get to top pay?

The Chair (Mr. Grant Crack): Excuse me—
Mr. Smokey Thomas: Did it take you 12 years to get to top pay, like the Premier wants our people to do?

The Chair (Mr. Grant Crack): Mr. Thomas—
Mr. Smokey Thomas: Have a good day there, fella.

The Chair (Mr. Grant Crack): Well, we still—
Mr. Smokey Thomas: Oh, we've got more questions.

All right.
Interjections.

The Chair (Mr. Grant Crack): Order. Order.
Mr. Smokey Thomas: Oh, give me a break. Kathleen Wynne went to top pay the day she got elected.

Interjections.
The Chair (Mr. Grant Crack): Order. Mr. Yurek has the floor. If I could have some calm, please.

Mr. Jeff Yurek: Thanks, Smokey. I do have to comment. You've given some valid questions to this government that they're not answering, and they instead pummel you with questions they didn't ask anybody else who was focused on one issue. I thank you. We might not agree on what you're talking about, but we do respect that you are here for that single issue. They should have answered your questions. Thanks.

Anyway, I just want your comment on the fact that the government isn't listening to you. We do have a problem in the correctional system, where they're building places for an impending strike, instead of replacing refrigerators and thermometers so that your correctional officers can actually test for TB in the Elgin-Middlesex Detention Centre, which they've ignored as well.

Is there anything else you wanted to add that you weren't able to—

Mr. Smokey Thomas: Edie wants to add a couple of things, and I do too.

Ms. Edie Strachan: Yes, I definitely do. I don't think a thorough look at this program has taken place. It has not identified anything in our branding unit. It doesn't discuss that at all. If you want legislation that keeps Ontarians safe, how about including something like wheel-offs having to be reported, instead of people hiding them, so that we look like the safest jurisdiction in the world because we're not actually reporting it? Who is going to report that, if they're going to get a \$50,000 fine?

Mr. Jeff Yurek: Mike?

Mr. Michael Harris: I was just wondering: I know they mentioned the important safety announcement that happened down at the convention centre. As a valued partner of Ontario's safety program, were you invited to that announcement?

Mr. Smokey Thomas: I wasn't.

Ms. Edie Strachan: I wasn't.

Mr. Michael Harris: Second question I have for you: We've been hearing in the news a lot about the truck licensing outfit in Vaughan. I'm not sure if you can comment on that, as it's now operated through a sole-sourced contract by a private outfit. We've been hearing examples of them not properly testing folks to gain their DZ or AZ licence. I don't know if you want to comment, perhaps, from your perspective on that issue.

Ms. Edie Strachan: Welcome to privatization.

Mr. Smokey Thomas: Yes, that's just a classic example of privatizing stuff that should be made public. We might disagree or have a different philosophical bent on privatization, but there are some things that, even when the Tories were in power before, were off limits to privatize. Enforcement and inspection and a lot of those things were off limits. You tried a jail; it failed, and it came back. This is driven by some kind of ideology that I have yet to figure out.

I asked Deb Matthews and Premier Kathleen Wynne last August to show me the evidence that privatization saves the public money, and that their process is fair and transparent, and that the service level stays the same. Deb Matthews promised to have that to me in two weeks. She said, "You'll have that, Smokey, in two weeks, and I'll finally shut you up."

Well, I don't know: This is March whatever-the-hell date it is, and I still haven't gotten that evidence and proof of a process from Kathleen Wynne to demonstrate that I'm crazy or off my rocker.

Mr. Michael Harris: And how long ago—

The Chair (Mr. Grant Crack): Okay, thank you very much.

We'll move to the NDP: Mr. Mantha.

Mr. Michael Mantha: Welcome this afternoon, Mr. Thomas. Answers are not something that we've been getting around this place very much lately.

Anyway, Bill 31 proposes legislation that could allow the ministry to outsource the administration of motor vehicle inspection centres to a third-party service provider. This bill will allow the government to appoint a director of vehicle inspection standards who would not be a public servant and who would have a broad new authority to issue directives concerning safety standards inspection certificates. Now, this is a Trojan that is hiding in this bill. Should Ontarians be concerned about this source of outsourcing?

Ms. Edie Strachan: I'm going to take the privilege of answering this question. Thank you.

The records show 31 TEOs—transportation enforcement officers—with a licence, but the reality is the other 250 of us back that team up on a regular basis. So you're not looking at replacing 31 people, you're looking at replacing the work of 300, potentially.

Mr. Michael Mantha: Okay. I want to amend my last comment to "the Trojan horse within this bill."

In addition to that, right now Bill 31 has no accountability or transparency requirements for the outsourcing of the motor vehicle inspection system. Do you think the bill should at least specify some minimal accountability and transparency required, and if so, what would they look like?

Ms. Edie Strachan: Absolutely. This program is currently underfunded. We have a lick-and-stick game going on in our Peel region, where people show up and get these PMCVI stickers, and there is no way to track that. This is already going on, and the ministry doesn't have the resources to send our officers out there to investigate and lay the appropriate charges. And you want to hive that off to a private company? That is scary business. Make no mistake: People can bring their trailers—you can bring 100 trailers from Florida here tomorrow and have all of them get an inspection and their PMCVI sticker and leave this province and be dangerous and killing somebody somewhere else. You need to look at this big picture.

Mr. Michael Mantha: How would you describe Ontario's experience with outsourcing driver examination?

Ms. Edie Strachan: Driver examination outsourcing happened before I came to this ministry, but I was on board for the privatization of the winter maintenance program.

Mr. Smokey Thomas: Both disasters.

Mr. Michael Mantha: And on that point, my last question: Your experience in regards to privatization of essential services, which I'm looking at—road maintenance being one—could you elaborate on some of your experiences from your members?

Mr. Smokey Thomas: The greatest failure of public policy in our lifetime has been the privatization of public services. We have a thing here called Epic Fail, which I'll leave for—I think the Liberals can read with no pictures. I'll leave it for them to have a look at.

Interjection: We don't need that. That's not necessary.

Mr. Smokey Thomas: Really? Well let me ask you a question—

The Chair (Mr. Grant Crack): Thank you very much. Your time is up. I appreciate it—

Mr. Smokey Thomas: You're going to lay off 31 people and you think we're rude.

The Chair (Mr. Grant Crack): Order. Mr. Thomas.

Mr. Smokey Thomas: It's only going to get worse for you. See you on the streets, in front of your constituency offices. Have a good day.

The Chair (Mr. Grant Crack): Okay. Mr. Harris.

Mr. Michael Harris: I don't know if it's a question or a comment—more of a request. Typically, when we start to review a bill of this nature, the ministry provides a binder with a compendium of information—the bill, and any and all relevant press releases attached to it—and I was hoping that the committee would agree with me that we ask for that to be in place for our next meeting, Wednesday.

The Chair (Mr. Grant Crack): Okay, so—

Mr. Michael Harris: You know, the compendium: the bill and everything else.

Mr. Mike Colle: We usually get that.

Mr. Michael Harris: We usually do, yes. I'm just asking if we could get that for all members, for Wednesday. I think that's enough time.

The Chair (Mr. Grant Crack): Okay, so is it the consensus of the committee that that request is deemed fair? All right. You have the consensus of the committee, so we'll be putting the ministry to work.

Mr. Michael Harris: Good. Thank you very much.

The Chair (Mr. Grant Crack): Thank you. This meeting is adjourned.

The committee adjourned at 1609.

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Ms. Ann Hoggarth (Barrie L)

Ms. Sophie Kiwala (Kingston and the Islands / Kingston et les Îles L)

Ms. Eleanor McMahon (Burlington L)

Ms. Lisa M. Thompson (Huron–Bruce PC)

Mr. Jeff Yurek (Elgin–Middlesex–London PC)

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Mr. Michael Mantha (Algoma–Manitoulin ND)

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ISSN 1180-5218

Legislative Assembly of Ontario

First Session, 41st Parliament

Assemblée législative de l'Ontario

Première session, 41^e législature

Official Report of Debates (Hansard)

Wednesday 11 March 2015



Journal des débats (Hansard)

Mercredi 11 mars 2015

Standing Committee on General Government

Transportation Statute Law
Amendment Act (Making
Ontario's Roads Safer), 2015

Comité permanent des affaires gouvernementales

Loi de 2015 modifiant des lois
en ce qui concerne
le transport (accroître la
sécurité routière en Ontario)

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Wednesday 11 March 2015

Mercredi 11 mars 2015

*The committee met at 1601 in committee room 2.*TRANSPORTATION STATUTE LAW
AMENDMENT ACT (MAKING
ONTARIO'S ROADS SAFER), 2015
LOI DE 2015 MODIFIANT DES LOIS
EN CE QUI CONCERNE
LE TRANSPORT (ACCROÎTRE LA
SÉCURITÉ ROUTIÈRE EN ONTARIO)

Consideration of the following bill:

Bill 31, An Act to amend the Highway 407 East Act, 2012 and the Highway Traffic Act in respect of various matters and to make a consequential amendment to the Provincial Offences Act / Projet de loi 31, Loi modifiant la Loi de 2012 sur l'autoroute 407 Est et le Code de la route en ce qui concerne diverses questions et apportant une modification corrélative à la Loi sur les infractions provinciales.

The Vice-Chair (Mr. Joe Dickson): Good afternoon, ladies and gentlemen. Welcome to the Standing Committee on General Government.

Just for our guests as they arrive: There will be an introduction time frame of five minutes and then there's a further nine minutes of questioning divided for each of the three parties—that would be three minutes each. I think the first thing you do is always start with the person closest to you, so we would start with the Conservatives when that starts.

Now, how would you like your name? Just Conservatives?

Mr. Jeff Yurek: You can call me whatever you want. Progressive Conservatives.

The Vice-Chair (Mr. Joe Dickson): Progressive Conservatives?

Interjection.

Mr. Jeff Yurek: It's still our title.

The Vice-Chair (Mr. Joe Dickson): And, just NDP, or New Democratic Party? What would you like?

Mr. Michael Mantha: I would like to be called his Royal Highness from Manitoulin Island.

Interjections.

The Vice-Chair (Mr. Joe Dickson): I'll call you whatever you want.

We're under way.

SHARE THE ROAD CYCLING COALITION

The Vice-Chair (Mr. Joe Dickson): I'd like to call the first speaker, from Share the Road Cycling Coalition. That would be James Stuckless, the executive director. You look like Jamie.

Ms. Jamie Stuckless: That's correct.

The Vice-Chair (Mr. Joe Dickson): I brought the wrong glasses today. I apologize, Jamie.

Ms. Jamie Stuckless: No worries, I wear glasses too. I understand.

The Vice-Chair (Mr. Joe Dickson): We'd sooner have you here than James any day.

Welcome, you have five minutes. We're under way.

Ms. Jamie Stuckless: Good afternoon and thank you to the committee for having me here today. My name is Jamie Stuckless and I'm the executive director of the Share the Road Cycling Coalition.

Share the Road is a provincial advocacy organization that has been working since 2009 to make Ontario the most bicycle-friendly place in Canada. To accomplish this goal we coordinate programs and events such as the Bicycle-Friendly Community Award program and the annual Ontario Bike Summit; we work on road safety and awareness campaigns with like-minded organizations, including the Canadian Automobile Association; and we support the work of provincial officials and staff to develop policies and new funding opportunities that support cycling and safer roads for all users.

Share the Road is pleased to have worked with the province recently on the #CycleOn strategy; on the coroner's review of cycling deaths; and on Bill 31, the most extensive update to the Highway Traffic Act in decades.

Bill 31 is a welcome modernization to the Highway Traffic Act that provides municipalities with effective tools for encouraging cycling, gives road users clear strategies for sharing the road safely and opens the door to new economic development and tourism opportunities.

Share the Road is motivated in our work by the clear demonstration that Ontario residents support cycling. We regularly conduct a public opinion poll of Ontario residents. From our 2014 research, we know that there are close to 600,000 cyclists on the road in Ontario each day and more than 3.8 million cyclists who cycle weekly or monthly. We also know that more than half of Ontario residents want to cycle more than they currently do, and

that 53% of residents feel that they would cycle more often with the implementation of a one-metre safe passing law.

Through our polling and our work with communities across the province, we see Ontarians who support cycling because they believe it's beneficial to all road users. Sixty-six per cent of residents agree that getting more people on bikes benefits everyone, not just those who cycle themselves.

Perhaps most importantly, we also see that drivers and cyclists are not two distinct groups. They're largely the same people. People who bike drive automobiles and people who drive also bike. Our research shows that driving a car weekly is just as common among daily cyclists as it is among the general population.

Share the Road works closely with municipalities across Ontario to build safe, connected and bicycle-friendly communities. Through our Bicycle-Friendly Communities program, municipalities are designated as bronze, silver, gold or platinum based on the five essential elements of being bicycle friendly: engineering, education, encouragement, enforcement, and evaluation and planning. To date, 26 communities in Ontario have received a designation through this program, and 57% of Ontario residents live in a bicycle-friendly community.

Bill 31 provides several new and improved tools related to engineering, enforcement and education. Working with our network of stakeholders on the Bicycle-Friendly Communities program, we hear and see the need for these enhanced tools, including:

- the allowance of cycling on paved shoulders, which would help to grow cycle tourism and its related economic impacts;

- the allowance of traffic control signals specific to cyclists and contraflow bike lanes, which will improve accessibility for people on bikes;

- the increased fines for distracted driving and unsafe opening of car doors will enhance enforcement; and

- the one-metre safe passing law, which not only provides road users with an indication of where they should ride and drive, but also provides a strong educational tool that makes it clear that cyclists belong on the road.

Bill 31 is being looked at in the broader context of the #CycleON strategy and the province's 20-year vision for becoming the most bicycle-friendly place in Canada. In addition to the update to the Highway Traffic Act that is currently being reviewed—

The Vice-Chair (Mr. Joe Dickson): You have one minute.

Ms. Jamie Stuckless: —the #CycleON strategy highlights the importance of cycling skills training and increased funding for cycling infrastructure. Support for these measures is also echoed in our polling data, where we see 60% of Ontarians in support of investing in cycling infrastructure and 68% in support of greater investments in cycling education.

Share the Road believes that Bill 31 is an excellent step in the right direction for road safety, and we look forward to continuing our work together with the prov-

ince to implement Bill 31 to enhance cycling infrastructure and to improve cycling education. Thank you.

The Chair (Mr. Grant Crack): Thank you very much, Ms. Stuckless. We appreciate your comments. I believe we will start with the official opposition.

Mr. Jeff Yurek: Thank you, Chair, for starting the event today.

Thanks for coming in today. I don't have much to ask because you just focused on the cycling aspect. Do you have anything that you think would make the bill stronger that should be looked at as we go forward with amendments in two weeks' time?

Ms. Jamie Stuckless: Thank you for the question. Share the Road was quite thrilled to be involved in the development of the bill. We're very happy with what has been included in Bill 31, and we are excited to continue working with the province to focus on the amendments that have been included in Bill 31, so we have no additional suggestions to make for amendments.

Mr. Jeff Yurek: Do you have anything you wanted to add that you weren't able to say, that you may have cut out during your speech?

Ms. Jamie Stuckless: No, thank you.

Mr. Jeff Yurek: Okay. I'm good, Chair.

The Chair (Mr. Grant Crack): Thank you, Mr. Yurek. Mr. Mantha.

Mr. Michael Mantha: I thought that we covered how we're going to be addressing me going forward. We'll just go with "Mr. Mantha." It's good enough for now.

Bill 31 includes the one-metre rule, but it's limited to say "as may be practicable." How do you think this limitation might affect enforceability or compliance?

Ms. Jamie Stuckless: That's definitely something that is worth looking into. Looking at roads, none of them are the same. The inclusion of that language allows a bit of leeway for law enforcement to evaluate what is the safest way to be driving and cycling, so we're certainly open to that language being looked at. However, we do not have a problem with it that we wanted to voice here today.

Mr. Michael Mantha: Should Bill 31 include mandatory truck side guards?

Ms. Jamie Stuckless: Thank you for the question. From Share the Road's perspective, we would not push to see this included in Bill 31. We definitely think that it is an issue worth looking at, and it is a conversation that we've been having with partners. We recognize that it is a complicated issue made even more complicated by our porous borders. However, there are indications that it could be something worth looking at. In terms of next steps, we would not recommend that it be included in Bill 31. However, we would recommend that the province push the federal government to resurface the report that was done by Transport Canada looking into the effects of side guards and their effects on road safety, or for the province to perhaps pursue their own study into their effectiveness.

1610

Mr. Michael Mantha: I have one last question. Bill 31 sets a maximum fine of \$500 for not having a bike light, up from \$20. Is this a reasonable fine?

Ms. Jamie Stuckless: We agree with the increase. However, a smaller increase would be ideal as well.

Mr. Michael Mantha: What would that look like? What's a smaller increase?

Ms. Jamie Stuckless: I don't have a specific number to share with you.

Mr. Michael Mantha: You're okay with the \$500, but a smaller one would be better?

Ms. Jamie Stuckless: Yes.

Mr. Michael Mantha: Okay. I'm good.

The Chair (Mr. Grant Crack): We will turn it over to the government side. Prior to doing that, I would just like to thank MPP Dickson for filling in for me in the first few minutes of the committee. It's much appreciated.

Ms. McMahon.

Ms. Eleanor McMahon: Thank you, Jamie. It's nice to see you. Could you highlight for members of the committee the extent of the conversations that Share the Road has had across the province—because I know they've been significant—about Bill 31 and how it could be strengthened, both in the context of the minister's working group on #CycleON and otherwise? I know Share the Road has had some webinars. Of course, your outreach work is significant. So maybe you can tell us what you've seen and what you've heard across Ontario—paved shoulders, for example—and the importance of this to the cycling community and to stakeholders across the province.

Ms. Jamie Stuckless: I'm glad that you raised the paved shoulders. That is something that has been of particular interest and caused quite a bit of excitement among many of our stakeholders, those who are looking at inter-municipality tourism as well as those who live in rural communities. It's such an important piece of building connective communities and allowing people to cycle for pleasure on the weekend in a tourism aspect or to help to promote cycling in rural communities. The paved shoulders is really an important piece of this project.

The other piece that has really gotten a lot of support from our network is the one-metre safe passing law. As I mentioned in my brief introduction, we see that 53% of Ontario residents feel that they would cycle more with the addition of a one-metre safe passing law. It's a great tool for enforcement, and it's also a great tool to help those Ontarians who want to cycle more and feel safer doing so, to feel like they can do so. Share the Road would be very keen to help work on an education campaign to share that information and use the one-metre safe passing law not only as an enforcement tool, but as a tool for sharing that cyclists do belong on the road and there's a safe way to share the road with cars and cyclists.

Ms. Eleanor McMahon: I'm so glad you raised education because it's an issue that's so important to us and to cyclists. What would Share the Road's role be in sup-

port of a province-wide cycling education program perhaps emanating from the provincial government, in terms of bringing education to cyclists and getting our children cycling again? We haven't really had an education program in our province for about 30 years now. What would that look like?

Ms. Jamie Stuckless: We've been in conversations with the Ministry of Transportation and a variety of stakeholders for the past couple of years to look at how we can enhance cycling education across the province. I think the largest role that Share the Road has to play is that we have a very strong network of municipal employees, advocates, non-profit representatives, law enforcement officials and planners who are very knowledgeable about education, youth engagement, community engagement and cycling policy. We have a great deal of value to bring to the conversation around how to revamp cycling skills training and ensure that it's not only accessible and interesting to youth and children, but to ensure that it is a program that works for families as well as residents who are new to Canada and maybe have limited access to English or have not ridden a bike before in the Canadian context—really ensuring that we are making cycling as accessible as possible for as many people in Ontario. I think Share the Road can help do that.

Ms. Eleanor McMahon: Thank you so much.

The Chair (Mr. Grant Crack): Thank you for appearing before committee and sharing your insight. It's much appreciated.

Ms. Jamie Stuckless: Thank you.

EASTERN ONTARIO WARDENS' CAUCUS

The Chair (Mr. Grant Crack): Next on the agenda we have with us a good friend of mine. He is currently the mayor of North Dundas and was recently elected as chair of the Eastern Ontario Wardens' Caucus. Congratulations, Mr. Duncan. We have Mr. Eric Duncan with us this afternoon. Welcome, and thank you for taking the time to come up this afternoon. We look forward to your presentation.

Mr. Eric Duncan: Thank you very much for having me. I appreciate the opportunity to be at the committee here today. I can say that I didn't bring the protesters outside that you heard.

Our Eastern Ontario Wardens' Caucus is in support of the bill before you today. We appreciate and thank the government and actually all parties for their work not only in the current context of Bill 31 but the need for reform when it comes to provincial offences and some tools that can be provided to municipalities to help us collect some default fines.

Just context: As the Chair mentioned, we were county council colleagues for a few years before his current role. I also serve as chair of the Eastern Ontario Wardens' Caucus. The member from Kingston and the Islands was at our AGM and is aware of our support for this bill and some tweaks we'd like to see in terms of the implementation phase.

We're very proud of the Eastern Ontario Wardens' Caucus, our group of wardens and CAOs. We had a strong delegation, a multi-ministerial panel, at ROMA/OGRA last week touching on this same topic. We represent 13 counties in eastern Ontario, with a population of about 700,000.

In the context of this legislation, when it comes to default POA fines, there are tens of millions of dollars that are on the table for municipalities to be able to collect to help with our revenues and help with our infrastructure and our needs at the local level. Bill 31 definitely provides some tools for that.

In terms of context today, we support the legislation as it stands. Our comments are looking at it from the perspective of going forward regarding the implementation.

The two-year time frame that was proposed: We had the deputy minister from the Ministry of Transportation talk about the IT challenges that are going to be ahead with this bill in terms of three computer systems—being the Ministry of Transportation, the Ministry of the Attorney General and the Ministry of Government Services with ServiceOntario—being able to link together to work with driver's licence and plate denials for those who choose not to pay their tickets.

The changes, by giving these extra tools when it comes to ServiceOntario and with MTO with driver's licences and plate denials, are very helpful for us. But just for context as well, we know that there are other things that have to happen. It only impacts certain driving infractions. Again, when it comes to charges like the Liquor Licence Act, Trespass to Property Act and Tobacco Tax Act—which is a prominent charge and a default fine in eastern Ontario—those are still outstanding in terms of tools for us to have.

In terms of implementation or a suggestion that the Eastern Ontario Wardens' Caucus would have is, in the coming months as this rolls out—the time frame provided by the various ministries involved has been two years. Our goal is, as opposed to doing full rollout at the end of those two years, perhaps to work with municipalities—and I'll use our united counties of Stormont, Dundas and Glengarry, jurisdictions that have strong relationships with OMTRA, the Ontario Municipal Tax and Revenue Association—and the municipal court managers to guinea pig and test these computer systems out on a small scale before they're rolled out.

I'm a big proponent of technology. Technology is great when it works right. One of the things we want to see in the wardens' caucus is to support the government in terms of making sure that it's effectively rolled out on time.

I had a look at this legislation. It's great because you're not providing us money; you're providing us tools to get money that we're entitled to. So it's one of those asks that I think is very easy.

My other quick comment that I will make, which has been made before, and the written submission has more details: We also believe the federal government has a role to assist us in default fines as well—and to let you know

that we're using this as an example of giving the proper tools to us. The Canada Revenue Agency and the federal Minister of Transport can certainly help when it comes to this regard as well. So we will be looking for federal leadership on that.

A key issue, and we're hoping that this committee, the provincial Minister of Transportation and other colleagues—the Ministry of the Attorney General as well—could advocate across the country when it comes to getting the provinces to come up with a universal agreement and buy-in when it comes to the provincial offences side. For example, if a person from Quebec receives a fine, it's transferred so the province of Ontario or municipality can work with other provinces to collect those fines. That has certainly been an issue for us.

The submission has a few more details. I'd be willing to answer any questions. I thank you for your time. More importantly, I thank you for the opportunity to present and for you introducing this to give municipalities a great tool.

1620

The Chair (Mr. Grant Crack): Thank you very much. We shall begin with Mr. Mantha from the NDP.

Mr. Michael Mantha: Good afternoon. Welcome.

Mr. Eric Duncan: Thank you.

Mr. Michael Mantha: We didn't get a chance to meet up at OGRA, did we?

Mr. Eric Duncan: I don't think so.

Mr. Michael Mantha: We'll have to do better next time.

Mr. Eric Duncan: Sounds good.

Mr. Michael Mantha: How do you believe the provincial government can work with municipalities in order to assist with the challenges that we have for the unpaid traffic fines?

Mr. Eric Duncan: Again, I think the implementation or the rollout is going to be the computer systems. At the provincial level, in terms of our municipal-provincial relationship right now—again, discussed at our AGM for our Eastern Ontario Wardens' Caucus were the issues around SAMS and the rollout, and again, I go back to that line: Technology is great when it works right. Some of our concerns have been to that front. The rollout was done in one large piece with no way of going back. So in terms of a relationship, we want to be a partner at the municipal level. Again, in our jurisdiction we're willing to do that, to, again, guinea pig and roll out some of these changes in that regard. The sooner this can happen, the better, because, again, it's not easy or quick whenever these things happen. But that's certainly a regard.

The other one, as well, is some technical changes that have to happen in terms of the collection fees that are charged. Very often, default fines go to collection agencies. The time frame and the smoothness for us to be able to add that collection fine on when it goes to ServiceOntario, for example, is a little difficult.

Another example which I think will be—I call it incrementalism over time. Whenever a person can pay a ticket at ServiceOntario—that is great, but it's almost they are

able to cherry-pick, because they may have several default fines outstanding from non-MTO-related offences. So whenever they go in to pay a \$275 ticket, that may clear one aspect related to driving infractions, but there still may be Liquor Licence Act or other charges that are out. So there's some confusion there that we need to work out in the coming months as it rolls out about how we can make sure that when a default fine is paid, for example, at ServiceOntario, they are aware of the full amount and hopefully pressured into paying that full amount.

Mr. Michael Mantha: Thanks.

The Chair (Mr. Grant Crack): Thank you, Mr. Mantha. We shall move to the government side: Ms. Hoggarth.

Ms. Ann Hoggarth: Hello again.

Mr. Eric Duncan: Hello. Good to see you again.

Ms. Ann Hoggarth: I remember you presenting to SCOFEA. You're the gentleman who works part-time in the MP's office down there.

Mr. Eric Duncan: That's correct, yes.

Ms. Ann Hoggarth: I just wanted to quote you. I see that you are mostly in favour of this bill. You said that "the proposed changes to the legislation are welcome." I know that my mayor in my riding, Jeff Lehman, feels exactly the same way. There are millions of dollars that the city of Barrie can use to do good things in the community. We understand that people, when they are fined, need to pay their fines. We all believe in that.

You said there's an "urgent need for new tools," and that the warden of Stormont, Dundas and Glengarry—when we used to be in teaching, we called it "stones, dirt and gravel."

Mr. Eric Duncan: That's correct, yes.

Ms. Ann Hoggarth: But you had owing to you \$9 million, and it's now \$31 million.

Mr. Eric Duncan: Yes.

Ms. Ann Hoggarth: That will do a lot to help you.

Mr. Eric Duncan: Absolutely. It will certainly be very, very helpful. Another challenge, again, that we have at the federal level and we're aware of that way is that \$15 million of that \$30 million now is related to contraband tobacco charges. We have some issues in terms of being able to reasonably collect that. So that's an issue or a conversation we're having. Particularly in Cornwall, with the port of entry, we've had some issues there. But definitely, this is going to be very, very helpful, and we appreciate it.

Ms. Ann Hoggarth: On Monday, AMO came to speak at the public hearings on Bill 31. We asked them if they felt the tools offered to the municipalities in this bill to allow them to collect unpaid fines will encourage more provinces in Canada to do the same. I'd like to ask you the same question. Do you believe this will push other jurisdictions to do this and that there can be a coordinated effort from sea to sea?

Mr. Eric Duncan: Absolutely. I see this as being the start of something, the tip of the iceberg, in terms of having these tools. Again, I think Canada Revenue

Agency, at the federal level, can play an important role. I think there's leadership at the provincial level and working at the federal level as well to get a universal agreement. So I think this helps right off the bat, but builds momentum.

Again, I think when people see it be successful in other forums, there's a comfort level there that it can work. We're hoping that after a couple of years we can show that, yes, this does work, so when we go to CRA, when we try to get other provinces on board, for example, there is that proof that these tools—we're not asking for more money. We're just asking for the tools to be able to collect what's rightfully owed to us.

Ms. Ann Hoggarth: Definitely. Thank you very much for your presentation. It's good to see you again.

Mr. Eric Duncan: Same to you. Thank you.

The Chair (Mr. Grant Crack): We shall move to the opposition: Mr. Yurek.

Mr. Jeff Yurek: Thanks for coming in, Warden. I just have a few questions for you.

How far back do you think we should be allowed to access these fines? How many years?

Mr. Eric Duncan: As far back as possible. Again, we go back to active files, and the written submission does talk about that ability for fines that have been maybe technically written off our balance sheet, but still on record. They never go away.

So I think in terms of our priority right off the bat—and again, that incrementalism aspect is focusing on the most recent, within the past couple of years, but our goal, once we get everything up and going and the kinks are worked out of the system, is to go back as far as possible. To me, it doesn't make a difference whether the fine happened in the year 2000 or in 2014; there was a conviction and they're owed that money. We should be going after that regardless. Those extra dollars are entitled to us and would be helpful to us in the municipal coffers.

Mr. Jeff Yurek: Thanks. I noticed in your comments that none of the ministries really talk to each other with regard to their computer programs. Do you have any hope that government will ever break down those silos and actually have conversations between ministries?

Mr. Eric Duncan: I'm a big proponent of technology, and I always try to be the optimist on that, so I'm going to say yes. And again, I go back to the point that we're trying to be constructive in the sense of offering the guinea pig aspect. Niagara region is another example I know through the Municipal Court Managers' Association. They've been dealing with this file and working on some tools for several years. Our comfort level would be to not just complain on that aspect, but to offer the idea of guinea-pigging or working with select jurisdictions to make sure the system works right before it rolls out.

I respectfully say on the file with SAMS—which we spoke to the member for Kingston and the Islands about at our AGM—that if we're able to get those kinks worked out of the system and get that technology to work on a small scale and then widened, the time frame in which we're able to actually roll it out across the

province could be quicker and a lot smoother that way, too.

So I'm optimistic, but again, the first person with technology, the deputy minister, spoke to us at ROMA and OGRA to mention that there are three systems which don't currently communicate that need to overlap. We'll see how that goes.

Mr. Jeff Yurek: Have you heard any discussion about the percentage the province will keep for helping you collect these fines?

Mr. Eric Duncan: To be honest, I don't know how that works with ServiceOntario. I imagine there will be a fee. For example, on the credit card aspect, if it's paid at ServiceOntario, I think there will be some of that, but that goes with the territory. We're able to add on ourselves with collections, for example—not give them a percentage of the ticket, but they're able to add that on top. So I would say, perhaps, when it comes to that model, that could be something we take a look at, where it is added on top of the existing tickets, or our expenses when it comes to collections, to make sure that it's revenue-neutral for the provincial government.

But at the end of the day, the simple fact that we have these tools—there will be more dollars in our coffers because of these changes. Call it bit by bit.

Mr. Jeff Yurek: Great. Have you had any discussions with the Western Ontario Wardens' Caucus at all? Have you heard much of a response from them?

Mr. Eric Duncan: We had a good meeting at the Good Roads conference as well with the western Ontario wardens, and we're starting to work together on a lot more files. We're actually getting together at AMO this summer and we've talked about this being one of the items.

A big thing we're working on with the Western Ontario Wardens' Caucus is broadband. We've had a successful program in eastern Ontario and we're working on the technology front on that. But we have made a commitment when we get together once or twice a year to talk more on this, and this is certainly something that I know is a priority for them, too. So we'll be talking about it at AMO; specifically, the implementation and whether there is somebody who could take a leadership role in that region. I mentioned Niagara, which is well known, that could perhaps help with that.

Discussions will be ongoing, certainly.

Mr. Jeff Yurek: Great. Thank you.

The Chair (Mr. Grant Crack): Thank you very much and thank you, Mr. Duncan, for your presentation and for answering the questions. Safe trip back.

Mr. Eric Duncan: Thank you.

The Chair (Mr. Grant Crack): You're welcome.

CYCLE TORONTO

The Chair (Mr. Grant Crack): Next, from Cycle Toronto, we have the executive director with us: Jared Kolb. Welcome, sir. You have five minutes.

Mr. Jared Kolb: Good afternoon, Mr. Chair and members of the committee. My name is Jared Kolb and I am executive director of Cycle Toronto. I know there are some Cycle Toronto members around the table today.

We are a membership-based advocacy organization here in Toronto, we've got 2,700 members and we actively advocate in this very urban context within Toronto, which is the one I'll be speaking from.

That being said, I grew up in Kitchener, started riding a bike when I was five and rode in a very suburban environment. I earned my stripes in long-distance cycling by cycling across Canada back in 2007, so I'm very accustomed to the rural context as well.

Mr. Mike Colle: You ever been to Ajax?

Mr. Jared Kolb: I rode through Ajax, indeed. With all of that said, I'm really pleased to be here today to be able to present to the committee.

1630

We at Cycle Toronto believe that this is a significant step forward for the province. We feel that Bill 31 is a fantastic next step in terms of modernizing the Highway Traffic Act, in recognizing that a bicycle is a true component of the transportation mix.

When I imagine how we get around in our cities, if you're going 500 metres, often you're going to walk; if you're heading five kilometres, the best mode of transit is actually the bicycle; if you're going beyond that, maybe 10 kilometres, transit or an automobile. What we really need to acknowledge here though is that in the overall mix of how we enhance mobility in Ontario, the bicycle must be a key part of that. That is why it is so encouraging to see so many of the components within Bill 31.

In particular, I wanted to highlight the increased fines for dooring. I know far too many people who have been doored on the streets of Toronto and whose lives have changed forever. There was, in particular, one of our members who lost their life just a few years ago from being doored on Bloor Street. So to see the province taking leadership on this extremely important issue, and increasing the fines, is welcomed and long overdue. So thank you on that.

In terms of areas for potential improvement, I also wanted to highlight several things. One area is around the fine schedule for not having a light on your bicycle. As it's currently stated, we're looking at a fine of \$500 for not having a light. Those of you around the table today who ride will know that your bicycle doesn't actually come with a light. It's not like a motor vehicle in that way that has a light built into it. Lights get stolen, they run out of batteries—there are good reasons why that \$500 fine is too high. We would support an increase, and I have some thoughts on that, but I'll save that, perhaps, for the question period.

The other thing that I wanted to focus on is the language around the one-metre passing rule. We are in full support of the one-metre passing rule, but are concerned about the language of "as nearly as ... practicable." We would like to see that removed.

Finally, on the side guard issue, we would like to see that included in Bill 31. This is one of these issues that has been kicked around for far too many years. We know that side guards save lives. Other jurisdictions have done the research on it. We'd like to see Ontario do the same research and move forward with side guard legislation.

With all of that said, I really, again, just wanted to say how much we welcome this bill and are excited to see it hit the road. Thanks so much.

The Chair (Mr. Grant Crack): That was a great pun at the end, sir.

Ms. McMahon?

Ms. Eleanor McMahon: Thank you, Mr. Chair. Jared, it's nice to see you.

Mr. Jared Kolb: You too.

Ms. Eleanor McMahon: I didn't ride my bike here today; I should have rode my bike.

Mr. Jared Kolb: It's beautiful out.

Ms. Eleanor McMahon: It's beautiful out.

I want to thank you for your work and your leadership, and working with Share the Road as well, in terms of making our province more bicycle-friendly.

A couple of thoughts: Thank you for your compliments on the work that colleagues on all sides of the House have done, and I appreciate your acknowledgment because this has been an amalgam of all sides—our colleagues in the NDP, our colleagues on the Progressive Conservative side as well—a nice sign of our working together. I think that's what Ontarians expect.

I wanted to just ask you about this side guard piece in particular. I think, as you and I have discussed over the years, this is an important issue. I'm glad to see that you're raising it. I think it's important. If we're not able to get it, in the context of this legislation, do you think it might be possible that we look at this in the context—maybe bring the minister's working group back together and maybe discuss it as a group, in terms of getting some study and some evidence-based work? I know that it was discussed at the coroner's review, of course, and was one of the recommendations. What would your thoughts be on that?

Mr. Jared Kolb: Yes, thanks for bringing that up. What I would say is that to start, I think we have a fantastic vision statement for cycling in Ontario. The government has set out the goal of becoming one of the leaders around the world in cycling over the next 20 years. We need to create the context for that to flourish. To do that, we do need to take a good, hard look at side guards, and we need to implement them.

Respectfully, I believe that the action planning phase within the minister's working group—that was a fantastic step to take that approach to bring stakeholders together. I think we want to continue to do that. I think it's time for that working group to be reconvened. We would certainly like to see the side guard piece as soon as possible. We've had cyclists who have died here in this city; cyclists in Ottawa who have died, who have fallen under the wheels of transport trucks. We know from the litera-

ture that this saves lives, so we really want to see that happen as soon as possible.

Ms. Eleanor McMahon: Thank you for that. Once the legislation passes, which, given the broad-based support, we're hoping will happen quickly, can you see Cycle Toronto playing a role in helping to really reach your audience in partnership with CAA, perhaps Share the Road as well, in terms of an information campaign? Because we're now going to have things—contraflow bike lanes will be wonderful. You've already got them in Toronto—awesome. But there are going to be other facets to this that need communicating, like the one-metre safe passing law, for example, and educating motorists and cyclists alike. I'm hoping that you'll play a role in helping to communicate the messages to your broad stakeholder audience in that regard.

Mr. Jared Kolb: Yes. What I would say is, late last year we partnered on a ride with the Toronto police. We went out very early on a very cold December morning and it was an opportunity to highlight the varying experiences that police officers face so that various cyclists can understand that, as well as the real issues that cyclists face from the perspective of the police.

One of the things we heard from the Toronto police was that the officers who rode with us in plain clothes had an overwhelming response in terms of the level of aggression they felt on our roadways. They were very clear about that. This was something that I think was very real for members of the police.

I couldn't agree more. I think there's a lot of partnership work that does need to be done in this context and there are going to be a lot of communications that are going to be required around the various rules that are outlined in this bill.

Ms. Eleanor McMahon: Wonderful. Thanks, Jared.

Mr. Jared Kolb: Thanks.

The Chair (Mr. Grant Crack): Thank you very much. We'll move to the official opposition: Mr. Harris.

Mr. Michael Harris: Thank you for your presentation.

This week, we had a written submission from the Ottawa police calling for us to change the definition of "motor vehicles" to "vehicles," to include cyclists with regard to distracted driving or using phones. What are your thoughts on that?

Mr. Jared Kolb: Right. It's very difficult to text or talk on your phone while riding your bicycle. I think that's a first thing to just recognize. A unicycle is a little different. You could definitely get some texting done in that context—

Mr. Michael Harris: But so too could it be to text and drive a vehicle.

Mr. Jared Kolb: Yes. I guess what I would say is that we are opposed to texting and cycling. It is not a safe way to ride a bicycle. There's no question about that. I think what is potentially misguided here is to put it under the same fine schedule as the proposed distracted driving fine schedule.

The proportionality of the damage that a driver can do while at the wheel of a one- or two-tonne motor vehicle versus with 20 pounds of steel between their legs on a bicycle—it's an order of magnitude that's different. What we'd like to see is certainly a fine schedule that would be added for distracted cycling but that it be lower.

Currently, in the Highway Traffic Act, for pedestrians, for instance, the provision is that if not otherwise stated the fine is \$50. We think that is much more appropriate for the proportion of risk in terms of riding a bicycle while texting.

Mr. Michael Harris: Now, I actually had an email from a constituent on this same issue, when it came up with texting and cycling. It was cyclists who wear earbuds in both ears, who are listening to their what-have-you, hands-free, I suppose. Now I'm not sure exactly what the existing fines are for that for cyclists. I don't know what your thoughts are on that. I know that drivers driving automobiles would be subject to fines for that. I don't know what your thoughts are on cyclists, because there are a lot of cyclists who listen or have earbuds in both ears, who are just listening to music. I don't know what your comment would be on that.

Mr. Jared Kolb: Yes, certainly. It's one thing that, personally, I don't actually do. I don't want to ride while having music blaring in my ears simply because of the risk of the road. We've got to keep our attention on the road at all times.

Mr. Michael Harris: Right.

Mr. Jared Kolb: That being said, having one earbud in versus having both in so that you can continue to look at this—I think it's something to study. I wouldn't come forward with any recommendation on that at this time.

Mr. Michael Harris: All right. Thanks for your time.

Mr. Jared Kolb: Thank you.

The Chair (Mr. Grant Crack): Thank you. Mr. Mantha?

Mr. Michael Mantha: You put a lot of emphasis in trying to get a message across, and I want to make sure that you do get it across, in regard to the one-metre rule. The proposed language is limited under the present Bill 31, where it says "as may be practicable." Do you think that this limitation might limit the enforceability of the actual act?

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Mr. Jared Kolb: Yes, we have the same concerns. When we look around North America at other safe passing laws, there are 25 states in the US that don't water the legislation down with a similar wording. Nova Scotia doesn't either. I don't see that there's a reason why we should here in Ontario.

We have other parts of the HTA that we can look to for guidance on this, whether it's passing a stationary emergency vehicle while on a highway—we don't put the same kind of language around that. What we really need to focus on here is enhancing safety. My concern is that with that language added in to the one-metre passing rule, it will make it very difficult to enforce.

Mr. Michael Mantha: So that would be one amendment that we can agree on that should be included in Bill 31?

Mr. Jared Kolb: Yes, that would be great.

Mr. Michael Mantha: Again, I want to make sure that I understood you very clearly in regard to the truck side guards. You believe that that is our opportunity right now, as with the one-metre rule, to make sure that it's included in this bill.

Mr. Jared Kolb: Yes. We do want to see that included in Bill 31. As a part of the minister's working group, that was something that, over the past several years, we have been clear about. We would certainly encourage that that be included in this bill today.

Mr. Michael Mantha: The increase of the maximum fine from \$20 to \$500 for the light: What would be your suggestion as a fair amendment for the actual increase?

Mr. Jared Kolb: Thanks for asking that. Again, similar to a comment that I just made: In the Highway Traffic Act, we include a provision, when pedestrians are not captured within another component of the HTA, of a max fine of \$50. We feel that that is a much more appropriate fine for this. So we're not opposed to seeing it increased, but the \$500 fine really feels excessive.

Mr. Michael Mantha: Okay. Thank you.

Mr. Jared Kolb: Thanks.

The Chair (Mr. Grant Crack): Thank you, Mr. Kolb, for coming forward and sharing your views. We appreciate it.

COLLISION INDUSTRY INFORMATION ASSISTANCE

The Chair (Mr. Grant Crack): At this time, I'd like to welcome the executive director of Collision Industry Information Assistance, Mr. John Norris. Welcome, sir.

Mr. John Norris: Thank you, Chair. It's always daunting to be the last speaker at the end of the day.

The Chair (Mr. Grant Crack): We'll remember you the most.

Mr. John Norris: Thank you. Thank you for the opportunity to speak with you today. I recognize it's late in the day, so I'll make this as quick as I can.

Our association represents 300 collision repair, auto refinish and auto body repair facilities across Ontario. Many of them are licensed by the Ontario Ministry of Transportation to perform vehicle inspections on repaired "salvage" vehicles that were damaged and written off in a collision, to determine if the vehicle should have a brand change applied and now become a "rebuilt" vehicle and safe for road use. Our association was hired by the Ontario Ministry of Transportation to present information workshops on this program and has good, strong inside knowledge of the program.

There are two areas included in Bill 31 we'd like to comment on. One is the provision to privatize the Motor Vehicle Inspection Station program. We're in favour. Wouldn't it be helpful if all your presenters were that quick?

Let me explain the second, though, in better detail. In Ontario, when a vehicle is involved in a serious collision and is written off as too badly damaged to repair, a notification is placed on the vehicle permit registration, usually as “salvage,” or if so badly damaged the vehicle is only good for parts, then the brand is “irreparable.” This program was implemented—indeed Ontario was the last province to do so in Canada—to protect consumers from fraud.

Regrettably, many unsuspecting car owners purchased damaged, written-off, prior-hit vehicles without being able to know if the vehicle had serious past damage. Branding solved that problem: The purchaser now knows the vehicle history of damage. If the brand was assigned improperly or was absent when it should have shown, then the owner could appeal the brand designation to the MTO and get it corrected.

Bill 31 moves to restrict the appeal of that branding decision to only those who hold the vehicle portion of the permit at the time of the accident and continue to hold the vehicle permit portion. So Bill 31 would remove the opportunity for anyone who purchased this wrecked vehicle to change the brand to what in fact was the correct brand. They would be left with no opportunity, no rights, to correct that mistake. We believe that is an error and that the motorist should have the right to be able to correct a mistake made on a brand designation.

Bill 31 allows for a fee to be charged for this service, which I believe should be refunded if the original brand is found to be wrong. However, Bill 31 only allows the insurance company and the original owner of the vehicle that made the brand designation error to appeal their own errors. I can tell you that no insurer is going to appeal the brand they’ve already set.

We suspect that brand appeals will drop from the over 1,000 that the ministry has on file to next to zero after Bill 31 is passed. It won’t mean that insurers are getting better at branding procedures; it just means that they won’t get caught making an error because the new car owner’s right to appeal the insurer’s decision will be terminated in Bill 31.

Car owners that may have in their possession an improperly branded vehicle should have the right to appeal this brand to MTO, as they do now, and get it corrected, as they have in the past, and not the terminated right to appeal that Bill 31 sets.

There’s another frightening aspect to the brand appeal termination in Bill 31. Three weeks ago we received photos and a damage appraisal and looked at a 2007 Bentley TC two-door convertible. That’s a beautiful car, with only 57,000 kilometres on the odometer. This car ran through water in the Burlington flood and soaked the carpet. No electrical circuit or module was touched. The dealer only recommended replacing the carpet to repair this car. The total repair cost was just over \$8,000. With the customer’s \$7,500 deductible, the insurance costs were only a \$500 claim. Instead, the insurer wrote off this car, gave the owner almost \$100,000 for it and branded the car “for parts only.” This action is non-compliant with

branding regulations and certainly doesn’t help in reducing costs for insurers to meet a 15% mandated premium cut.

A 2014 Camaro: so badly damaged in the rear that the trunk was inside the occupant compartment area—certainly and correctly a total loss. However, the insurance company did not brand this vehicle at all, ensuring that the new owner of this soon-to-be-repaired vehicle will never know that the vehicle they purchased had a history of severe damage. Please also understand that by not placing a mandatory brand on that vehicle history on that Camaro, the insurer makes much more money when they sell that vehicle.

These non-compliance violations by insurance companies occur all the time. They are worrying, as each error is evidence of clear non-compliance with the Highway Traffic Act, but hundreds of these violations do not generate any charges from the Ministry of Transportation.

My fear is that recently we’re seeing much more blatant, clear violations of the branding policy regulations by insurers as they know that soon these violations will be hidden from view with the restrictions on brand appeals contained in Bill 31.

I would recommend to you to keep brand appeals open to all but charge for the appeal, with appropriate refunds, to better allow innocent motorists to ensure that the brand on their vehicle is correct and to keep insurers honest with branding as per regulation and not trying to pass off damaged cars as undamaged to an unassuming public or to assign non-compliant brands.

Thank you for your attention.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Norris. We shall start with the official opposition. Mr. Harris.

Mr. Michael Harris: Thank you. I wasn’t aware that there was so much carpet in a 2007 Bentley TC—

Mr. John Norris: Yes. Everything in a Bentley is expensive.

Mr. Michael Harris: Yes. I don’t have any questions at this time. Is there anything further you’d like to add that you didn’t have an opportunity to do in your submission?

Mr. John Norris: We watched these over the last few years. We were involved in writing this program and putting on the program for the ministry. I’m worried that we’re seeing a significant number of very strange activities going on, where cars that should have a brand by law are not. I think there are people who anticipate that Bill 31 will pass, and after that, they’ll be hidden.

Mr. Michael Harris: Why do you suspect that? Why is there more?

Mr. John Norris: Because there’s no reason for this to occur. These are blatant non-compliance errors. These are blatant violations of the HTA. In the past, we had some, but we had a mixture. In the last few weeks, we’re seeing significant numbers from insurers. My anticipation is that they know they can get away with it in the very near future. There will be no way to review that and

there will be no way to appeal that with Bill 31, as there is now.

It also makes them a lot more money. We had an Infiniti Q65: brand new \$65,000 vehicle. It got hit by lightning. The insurance company put a brand on it of “irreparable” when the repair was \$14. It was just the antenna.

Sometimes an individual might be out \$50,000 or \$60,000 on this and can’t get back in. My biggest fear is that we can’t change it, with Bill 31 being passed. If I have a vehicle and the brand is wrong, it’s simply non-compliant. I have no option any longer. In the past, I could appeal that to the ministry, and they could look at that. Now that’s going to be banned. I won’t be able to do that, or no one in the public can do that, and that’s a shame. We’ll have people out there who are buying vehicles that have significant damage and should have been branded and weren’t and cannot bring it back to what it should have been. It’s wrong, frankly.

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Mr. Michael Harris: Thank you.

The Chair (Mr. Grant Crack): Mr. Mantha.

Mr. Michael Mantha: Good afternoon. Thanks for joining us.

Mr. John Norris: Thank you.

Mr. Michael Mantha: You made a statement that you are very much in favour of seeing the privatization under Bill 31, of this going forward.

Mr. John Norris: Of the Motor Vehicle Inspection Station program, yes.

Mr. Michael Mantha: Does Collision Industry Information Assistance have any interest in gaining control of the vehicle inspection system?

Mr. John Norris: We have 368 shops that are in the inspection program, and there are 12,000 facilities, so that’s not going to happen. We don’t have the capacity to be able to do that.

One thing I should point out: why we’re in favour is that we will have the opportunity to change some of the regulations. I personally think that we should be checking airbags on cars. Right now in Ontario, we don’t check airbags on cars. I think that being able to stick your hand out and do turn signals on the 401 in replacement for turn signals on the car is not a good idea—and I think we really need to write that in to the inspection program to make sure the cars have that.

Mr. Michael Mantha: I think we can agree that safety comes first. Can we agree that the oversight and the accountability provisions of Bill 31 could be tightened up in order to ensure that this happens with proper oversight from the Ombudsman or even the Auditor General’s office?

Mr. John Norris: “Oversight” is an interesting word. The regulations are already there—when we passed what was called type 6 legislation in the House back in 2003 and 2008. The regulations are there. The enforcement is there. It’s just that the motor vehicle branding unit and the Ministry of Transportation apparently don’t have any urge to do so. So insurers continue to do that.

When we checked two years ago, there were 864 open files with the Ministry of Transportation of people who had appealed the brand. So the brand was wrong on the vehicle, they appealed it to the ministry, and the ministry investigated and changed it. Every one of those was set by an insurance company in violation of the regulation. It’s a non-compliance regulation if you brand it improperly. So MTO was right, found it, changed it, but never charged any of those insurers. They were never ticketed or charged. Now that opportunity is gone. With Bill 31 passing, we don’t have the opportunity to check those. We have no history of that. If I buy a damaged car, like that Camaro, without any history that it has been damaged, I have no opportunity to change that, go back to the ministry and say, “This was wrong. Here’s the proof. Here’s the evidence. It needs to have this.” I can’t get that with the new bill.

What I’m suggesting, in answering your question: It just needs the enforcement by the ministry of the current regulation, and do not restrict the brands only to those who had an ownership in the car before the accident. Make sure that anyone in Ontario, as it is now, who has a car that shouldn’t have that brand attached can have the opportunity to have it looked at by the MTO and changed. Bill 31 denies that right.

Mr. Michael Mantha: I just want to make sure I understood your answer. Are you concerned that this bill—

The Chair (Mr. Grant Crack): Mr. Mantha, the time is up. I apologize. Thanks for the look.

We’ll move to the government side and Mr. Colle.

Mr. Mike Colle: John, would any of this be captured, like the case of the Camaro, on the mandatory Carfax?

Mr. John Norris: That’s interesting.

Mr. Mike Colle: It should be, if it’s in an accident.

Mr. John Norris: Yes. Understand what goes on here: The car has had a significant structural incident. It looks like it hit a telephone pole at 100 miles an hour going backwards. So it is written off, and it should be written off. How does that information get to the public? Normally, it gets there because the insurance company must place a brand on that. The insurance company is going to buy that car back, and they must place a brand on that, based on the damage; hence, the UVIP, the vehicle identification package that you get when you buy a car, would show that. It would show that the purchase was made by an insurer and the brand was changed.

What you’re asking about is a damage estimate on Carfax. Understand how Carfax and CarProof get their data: They get it from the estimate that the shop writes. So when the shop wrote that estimate to say that it was badly damaged, if the insurance company sells that package, sells that estimate to Carfax or CarProof, they would have it on there. If they didn’t sell it, they would not have it on their records. UVIP would have it, if it was done properly, but Carfax and CarProof may not. I think we’ve all seen some CBC news items on how a lot of information doesn’t get transferred.

The proper way to do it is exactly what Ontario did. Ontario was absolutely correct. They said, "If you have a damaged car and it meets this criteria that it's so badly damaged the insurance company has to buy it back from you, then that's going to show on the used vehicle information package." It's going to show "damaged." It's going to show that the insurance company bought it back, and it's going to show a brand, so that protects consumers. Everyone knows that happened. In this case, it's not happening.

The Chair (Mr. Grant Crack): Okay. A final quick question. Ms. McGarry.

Mrs. Kathryn McGarry: Thank you very much for your presentation. I certainly want you to know that we know that CIIA is a strong supporter of Ontario's Mandatory Vehicle Branding Program, and we really do appreciate your support in ensuring that the branding program remains strong as MTO considers procuring the third-party oversight, which will include the oversight of the branding program.

I also understand that you have been consulted previously by ministry staff and have been quite engaged in the development of this particular initiative, and I really want to thank you for—

Mr. John Norris: On the branding program, certainly. Yes, we have over the years.

I should also mention that in June we're presenting the presentation on Ontario's branding to the Americans, because the US thinks Ontario has got the strongest, healthiest and most active branding and inspection program in North America. So it's a credit to Ontario.

Mrs. Kathryn McGarry: The ministry will be undertaking a public procurement before the contract is awarded.

The Chair (Mr. Grant Crack): Okay. Well, thank you very much, Mr. Norris, for coming forward.

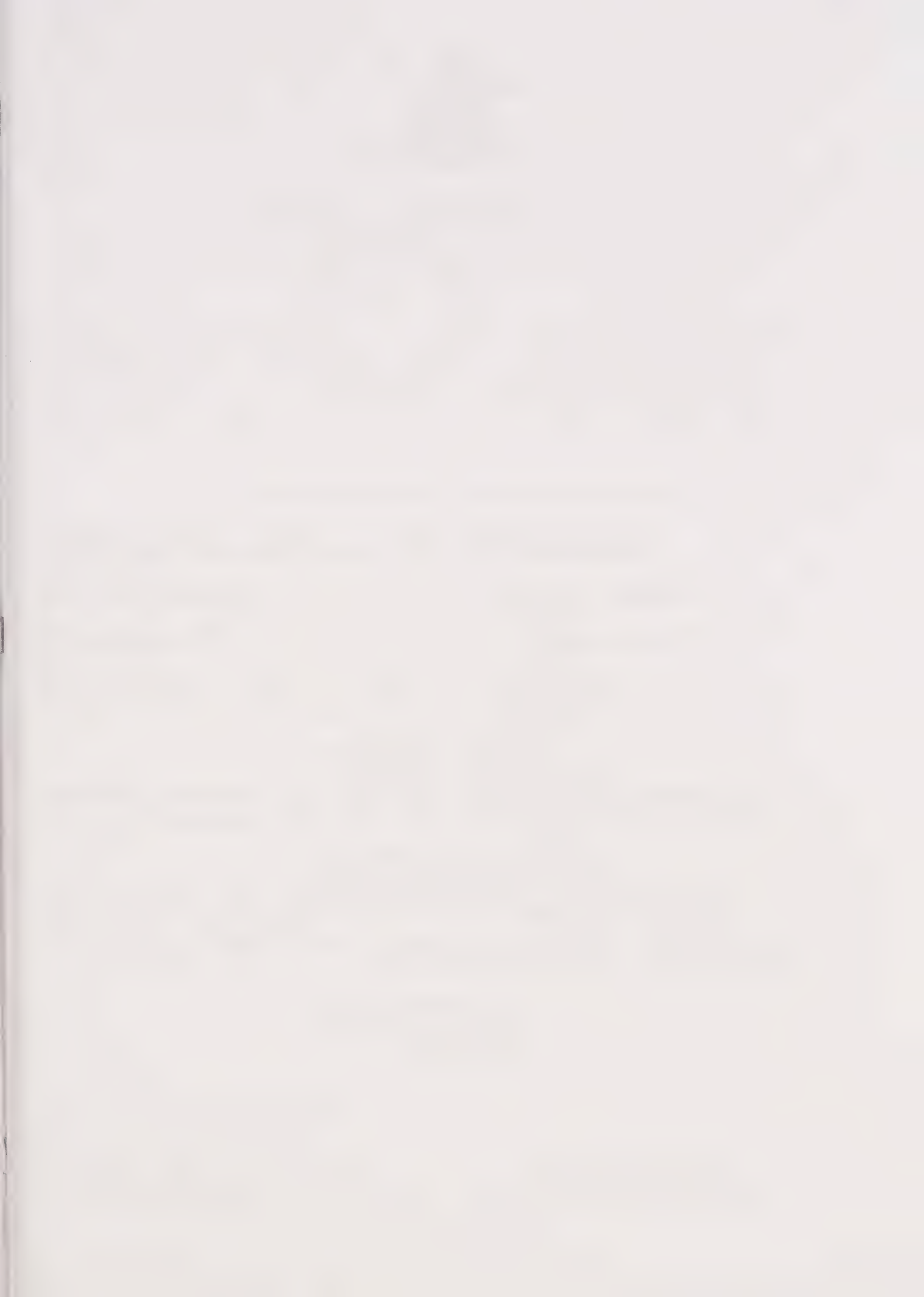
That concludes the delegations this afternoon, but I would like to remind members of the committee that our next meeting will be March 23, and we will be—

Mr. Mike Colle: Oh, not next week?

The Chair (Mr. Grant Crack): No, unless you want to come in next week, Mr. Colle. I'd entertain some type of motion. But it's March 23 for clause-by-clause. The deadline for amendments is Thursday, March 19 at noon, and that's as per the committee motion that we adopted on March 2.

I'd like to wish everyone a very good March break. Thank you very much for all the work you have done this week. We shall see you here Monday the 23rd. Thanks to the Clerk's office and Hansard. This meeting is adjourned.

The committee adjourned at 1657.



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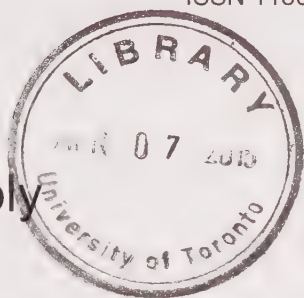
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ISSN 1180-5218



Legislative Assembly
of Ontario

First Session, 41st Parliament

Assemblée législative
de l'Ontario

Première session, 41^e législature

Official Report of Debates (Hansard)

Monday 23 March 2015

Journal des débats (Hansard)

Lundi 23 mars 2015

Standing Committee on
General Government

Transportation Statute Law
Amendment Act (Making
Ontario's Roads Safer), 2015

Comité permanent des
affaires gouvernementales

Loi de 2015 modifiant des lois
en ce qui concerne
le transport (accroître la
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Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Monday 23 March 2015

Lundi 23 mars 2015

*The committee met at 1404 in committee room 2.*TRANSPORTATION STATUTE LAW
AMENDMENT ACT (MAKING
ONTARIO'S ROADS SAFER), 2015
LOI DE 2015 MODIFIANT DES LOIS
EN CE QUI CONCERNE
LE TRANSPORT (ACCROÎTRE LA
SÉCURITÉ ROUTIÈRE EN ONTARIO)

Consideration of the following bill:

Bill 31, An Act to amend the Highway 407 East Act, 2012 and the Highway Traffic Act in respect of various matters and to make a consequential amendment to the Provincial Offences Act / Projet de loi 31, Loi modifiant la Loi de 2012 sur l'autoroute 407 Est et le Code de la route en ce qui concerne diverses questions et apportant une modification corrélative à la Loi sur les infractions provinciales.

The Chair (Mr. Grant Crack): Well, good afternoon, everyone. How's everyone today?

Interjection: Great.

The Chair (Mr. Grant Crack): Great. I'd like to call the meeting of the Standing Committee on General Government to order this afternoon. I'd like to welcome all members of the committee as well, and members of MTO, legislative counsel and Hansard, of course. We're here this afternoon to do clause-by-clause consideration of Bill 31, An Act to amend the Highway 407 East Act, 2012 and the Highway Traffic Act in respect of various matters and to make a consequential amendment to the Provincial Offences Act.

Before we get into the clause-by-clause, are there any members of the committee who may have a comment or a question that they'd like to put forward? Mrs. McGarry.

Mrs. Kathryn McGarry: Thank you, Chair. I just wanted to note that as PA for transportation, I've been quite impressed with the level of debate from the members of the opposition parties as well as from our Liberal government caucus. There has been a lot of debate on the bill. A lot of people in the House were able to join the debate.

Interestingly, we've seen quite a lot of support shown for Bill 31 in all its aspects from a number of our road safety partners, our road user partners and throughout. So I'm really looking forward to seeing this bill get on.

I think there has been a great deal of interest from AMO partners and at ROMA to make sure that this bill gets onwards and back into the House for third reading. We want to make sure that it's passed as soon as possible. There are a lot of safety-type provisions in it that we want to make sure go forward, and certainly a lot of the municipalities are looking forward to being able to collect on the fines that this bill deals with. So I'm really looking forward to the clause-by-clause. Thank you.

The Chair (Mr. Grant Crack): Thank you very much. Any other questions or comments? Mr. Mantha.

Mr. Michael Mantha: So am I. Actually, I'm looking forward as well to working on this clause-by-clause. Making a good bill comes from input from everyone, so I'm looking at making some amendments to this bill to make it that much better, and I'm hoping that all of us can work together collaboratively. I'm sure that my friends here from the Progressive Conservatives also have some ideas. I'm looking forward to the clause-by-clause discussions this afternoon.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Mantha. Mr. Harris.

Mr. Michael Harris: I may as well chime in now on behalf of the Ontario PC caucus with regard to Bill 31. I think you'll see today amendments put forward by our caucus that strengthen Bill 31 in a variety of different sections. Many of the amendments put forward have been bills that private members have put forward in the Legislature for debate and have been passed or they're in committee and have been put into amendments here.

I think we've gone through Bill 31 with a fine-tooth comb and today is an opportunity for all members of the Legislature to adopt those ideas of other private members. In fact, Bill 31 incorporates two bills from the Ontario PC caucus. I would just ask that members of the government consider those amendments that we've put forward in the interest of road safety. Thank you.

The Chair (Mr. Grant Crack): Thank you very much. I will, before we begin, just advise the committee that there are a number of amendments that I have reviewed, that have come forward and that will require a ruling from the Chair. I will be dealing with those once we get to those particular sections. So we're ready to go.

Section 1: There are no amendments. Shall section 1 carry? Those in favour? Those opposed? Carried.

Section 2: no amendments. Shall section 2 carry? Those in favour? Those opposed? Carried.

Section 3: no amendments. Shall section 3 carry? Those in favour? Those opposed? Carried.

Section 4: no amendments. Those in favour? Those opposed? Section 4 is lost. It does not carry.

New section: Progressive Conservative 4.1. Mr. Harris, would you like to read—

Mr. Michael Harris: I thought there was an NDP motion starting.

The Chair (Mr. Grant Crack): I don't see an NDP motion start.

Mrs. Kathryn McGarry: Excuse me, Chair. Do you mind if I call for a five-minute recess? I'm sorry.

The Chair (Mr. Grant Crack): Is there agreement for a five-minute recess?

Mr. Michael Harris: Sure.

The Chair (Mr. Grant Crack): There will be a five-minute recess commencing now.

The committee recessed from 1409 to 1417.

The Chair (Mr. Grant Crack): Okay, back to order. There was a request for a break, so we will continue.

Ms. McGarry?

Mrs. Kathryn McGarry: Thank you. I apologize. I actually voted against section 4 in error and I wanted to move to reintroduce section 4 of Bill 31. We'd ask for unanimous consent because of a misunderstanding of the way the bill was being asked to be voted on. I take responsibility for that. We'd like to correct the record and ask the committee to reconsider moving section 4.

Mr. Michael Mantha: Can I call for a five-minute recess before we have the vote?

The Chair (Mr. Grant Crack): That is acceptable; however, when we come back, we'll be taking the vote on whether or not we have unanimous consent.

Interjection.

The Chair (Mr. Grant Crack): A clarification: Do we have unanimous consent to reconsider and retake the vote prior to the five-minute break?

Mr. Michael Harris: Can we break first?

The Chair (Mr. Grant Crack): No. Once we get the request for unanimous consent, it has to be voted on.

Mr. Michael Harris: If we say no, can we revisit it?

The Chair (Mr. Grant Crack): No.

Mr. Michael Harris: I'm asking the Clerk that.

The Chair (Mr. Grant Crack): No. There has been a request for unanimous consent. A request for unanimous consent is different than a request to vote. We need to have the request—

Mr. Michael Harris: I want a clarification from the Clerk. If we say no to the UC, can we come back and revisit it another time?

Interjection.

Mr. Michael Harris: I want an answer on it.

The Clerk of the Committee (Ms. Sylwia Przewdzicki): If the committee does not grant unanimous consent at this point, we will move on. If there is a later request for unanimous consent with an intervening proceeding, then the committee can consider that at a later time.

Mr. Michael Harris: Okay, so no.

Mrs. Kathryn McGarry: A point of order.

The Chair (Mr. Grant Crack): We have a point of order. Ms. McGarry?

Mrs. Kathryn McGarry: I'm sorry. If section 4 doesn't carry, it will affect the rest of the amendments in the bill and we wouldn't be able to deal with them today.

Mr. Jeff Yurek: You shouldn't have voted against it.

The Chair (Mr. Grant Crack): Thank you for the point of order.

Mrs. Kathryn McGarry: I made a mistake. I did say so.

The Chair (Mr. Grant Crack): That's not a point of order, but thank you for clarifying that.

I have not yet asked, after discussion, is there unanimous consent to consider a revote on section 4?

Mr. Michael Harris: No.

The Chair (Mr. Grant Crack): Okay, I heard a no. So we will continue—

Mr. Michael Harris: Now we ask for a five-minute recess.

The Chair (Mr. Grant Crack): Mr. Mantha has requested a five-minute recess, so what we'll do—

Interjections.

The Chair (Mr. Grant Crack): Order, please.

Mr. Mantha, there are two ways to obtain a recess. One is prior to a vote request, and the other is similar to what Mr. Mantha has requested—a five-minute recess. We'd need unanimous consent for that. So is there unanimous consent for a five-minute recess? I don't hear any noes, so I'm going to grant a five-minute recess, starting now.

The committee recessed from 1420 to 1428.

The Chair (Mr. Grant Crack): Okay, so back to order. We will continue with the clause-by-clause that is before the members of this committee. We will move to the new amendment, PC section 4.1. I would ask the member from Kitchener-Conestoga, Mr. Harris, to read the motion.

Mr. Michael Harris: I move that the bill be amended by adding the following section:

“4.1 The act is amended by adding the following section:

“Advisory committee on highway incident management

“5.5(1) The minister, the Minister of Community Safety and Correctional Services and the commissioner of the Ontario Provincial Police shall, within 60 days after this act receives royal assent, establish an advisory committee to analyze highway incident management and to develop a comprehensive program for the improvement of highway incident management.

“Composition

“(2) The committee shall be composed of persons that the minister, the Minister of Community Safety and Correctional Services and the commissioner of the Ontario Provincial Police believe will make useful contributions to the committee's work, including

“(a) persons with knowledge and expertise in highway incident management; and

“(b) persons representing organizations or entities with an interest in highway incident management, including municipalities, police forces, emergency medical services and other road users.”

The Chair (Mr. Grant Crack): Thank you very much, Mr. Harris.

Mr. Michael Harris: Sure.

The Chair (Mr. Grant Crack): I’ve had the opportunity to look at a number of the amendments, as I had mentioned in my opening remarks. So that was the motion on page 1 in your packages that Mr. Harris just read. With regard to this particular amendment, I’m going to provide a ruling and there’s going to be a number of amendments throughout your package that are going to fall under the same ruling that I will be making to you. I’m going to read it to you so that it’s nice and clear for everyone.

I’m going to rule this particular amendment and motion out of order, the reason being that the amendment before us proposes to add a new section to the Highway Traffic Act, and I’m going to make a ruling on the admissibility of this amendment with respect to scope. The scope of a bill represents the reasonable limits of its collective purposes as defined by its existing clauses and schedules. In this amending legislation, the government chose which sections and subsections of the parent acts—in this case, the Highway Traffic Act—to amend through the bill before us, effectively setting the parameters of the bill. An amendment to the bill may not amend sections of the parent act that are not open in the bill. “Open” is the key word.

However, new sections such as the one that’s being proposed are not *prima facie* ruled out of order. The Chair must look at the content of the amendment and determine its admissibility with respect to scope. Where a bill has several purposes, such as this one, amendments directed to objects not specifically covered by the bill but broadly germane to its subject matter may be found to be within the scope. The Chair must keep in mind that an amendment may not seek to introduce new subject matter contrary to the principle of the bill as agreed to at second reading, and also that an amendment may not seek to accomplish indirectly what it cannot accomplish directly; for instance, to add a new section in lieu of amending a section of the parent act that is not open in the bill.

Therefore, I will be ruling this one out of order. As well, because the following motion, number 1.1, is a duplicate of the existing or the previous one that I just ruled out of order, that will be out of order as well.

Mr. Michael Harris: Chair, I request the committee’s unanimous consent to include this amendment in today’s proceedings.

The Chair (Mr. Grant Crack): Mr. Harris has asked for unanimous consent to consider this particular amendment. That is in order. Do we have unanimous consent?

Mrs. Kathryn McGarry: Can we have a five-minute recess, please?

Interjection.

The Chair (Mr. Grant Crack): The question has been put to us on unanimous consent. As I explained

earlier, if it was a vote on a particular issue, you are entitled to request the five-minute break. There was a question. Do we have unanimous consent to consider this? I heard a no.

We shall move to section 5. There are no amendments to section 5. Shall section 5 carry?

Interjection.

The Chair (Mr. Grant Crack): You’re proposing to add a new section, Mr. Mantha. So this is just the actual section 5 itself. You’re adding 5.1.

Mr. Michael Mantha: Yes.

The Chair (Mr. Grant Crack): So that will come next.

Mr. Michael Mantha: Okay.

The Chair (Mr. Grant Crack): Once again, section 5 is before you. Shall section 5 carry? Those in favour? Those opposed? It is carried.

The third party, the NDP, is proposing an amendment, section 5.1. I would ask Mr. Mantha to read it into the record.

Mr. Michael Mantha: I move that the bill be amended by adding the following section:

“5.1 The act is amended by adding the following section:

““Driver examination services

““Agreements with providers

““32.0.1(1) This section applies with respect to any agreement between the minister and a person or entity in which the person or entity agrees to provide driver examination services to members of the public.

““Content

““(2) The agreement shall include, at a minimum,

““(a) a requirement that the provider of driver examination services prepare an annual summary of examination results on a pass or fail basis, for each class of driver’s licence and for each location at which examinations are administered by the provider;

““(b) a description of the performance standards that shall be met by the provider of driver examination services;

““(c) a description of the inspection service by which the minister shall verify that the performance standards are being met;

““(d) a requirement that the minister prepare an annual performance report relating to the provider of driver examination services, which shall include the results of compliance with the performance standards, including any penalties that may have been imposed on the provider; and

““(e) a requirement that the annual performance report be publicly posted by the minister on at least one government of Ontario website.

““Posting of agreement

““(3) The agreement shall be publicly posted by the minister on at least one government of Ontario website.”

The Chair (Mr. Grant Crack): Thank you very much, Mr. Mantha. I believe there was some confusion with (c). With all due respect, could you reread item (c)?

Mr. Michael Mantha: Reread (c)?

The Chair (Mr. Grant Crack): Yes, please.

Mr. Michael Mantha: "A description of the inspection system by which the minister shall verify that the performance standards are being met."

The Chair (Mr. Grant Crack): Thank you very much. Once again, referring back to my previous comments, the amendment that is being proposed by Mr. Mantha and the third party introduces a provision that's not contemplated by the bill. Although this bill, as I've mentioned earlier, does have several purposes, I am of the opinion that the amendment is not relevant to the parameters of this bill and I find that it's beyond the scope of the bill, so I therefore rule this particular amendment out of order.

Mr. Mantha?

Mr. Michael Mantha: Can I call for unanimous consent to keep it in?

The Chair (Mr. Grant Crack): You may call for unanimous consent. So the question being put forward right now: Do we have unanimous consent from the committee to—

Interjection: No.

The Chair (Mr. Grant Crack): I wasn't able to finish, but I heard a no. So, again, the motion has been called out of order.

We shall move to section 6. Now, sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22: There are no amendments. Would the committee consider lumping those into one motion? Or individually? Numbers 6 to 22: There are no amendments to those particular sections. Is it the wish of the committee to proceed by lumping those amendments through one vote? Those in favour? Any opposed? There are none opposed, so we shall lump them together.

Sections 6 through to 22: Is there any discussion on sections 6 to 22?

Mrs. Kathryn McGarry: Can we have a recorded vote?

The Chair (Mr. Grant Crack): I have a request for a recorded vote. That is in order.

Mrs. Kathryn McGarry: And a 20-minute recess.

The Chair (Mr. Grant Crack): And there has been a request for a 20-minute recess. That is in order. So we shall reconvene in 20 minutes' time. Recess granted.

The committee recessed from 1438 to 1458.

The Chair (Mr. Grant Crack): Okay. Back to order. Prior to the request for a 20-minute recess, we were in the process of dealing with sections 6 through 22, inclusive. I shall now ask for the vote, and there was a request for a recorded vote. Shall sections 6 to 22, inclusive, carry?

Ayes

Dickson, Hoggarth, Kiwala, Mantha, McGarry, McMahon, Yurek.

The Chair (Mr. Grant Crack): None opposed. Sections 6 through 22, inclusive, carry.

We shall deal now with a proposed new section 22.1 by the NDP. I shall ask Mr. Mantha to read that into the record. Mr. Mantha?

Mr. Michael Mantha: Thank you, Mr. Chair. I move that the bill be amended by adding the following section:

"22.1 The act is amended by adding the following section:

"Side guards

"67.1(1) Every vehicle with a gross vehicle weight greater than 3.5 tonnes shall be equipped with side guards.

"Exemption

"(2) Subsection (1) does not apply to any vehicle specified in a minister's regulation made under subsection (4).

"Requirements and standards

"(3) The side guards required by subsection (1) shall comply with the requirements and standards prescribed in a minister's regulation made under subsection (4).

"Regulations

"(4) The minister may make regulations,

"(a) exempting any class of vehicle from the application of subsection (1) and prescribing conditions for any such exemption;

"(b) prescribing requirements and standards for the purposes of subsection (3).

"Notice and comment re exempting regulation

"(5) The minister may not make a regulation under clause (4)(a) until at least 45 days after a notice has been published in the Ontario Gazette and a newspaper of general circulation in Ontario setting forth the substance of the proposed regulation and inviting comments to be submitted to the minister.

"Same

"(6) After the expiration of the 45-day period, the regulation with such changes as are considered advisable may be made without further notice."

The Chair (Mr. Grant Crack): Thank you very much, Mr. Mantha. So this particular motion that you're putting forward, I'm going to rule that it is in order. It's kind of in a grey area, but I believe it's worthy of consideration by the committee. So it is in order.

Is there further discussion on the motion? Mr. Dickson.

Mr. Joe Dickson: Mr. Chair, if I may, I'd like to request a 15-minute break.

The Chair (Mr. Grant Crack): Okay, that's fine. Any further discussion on the motion? There being none, prior to the vote—you're requesting prior to the vote the 15 minutes?

Mr. Joe Dickson: If prior to the vote is appropriate, Mr. Chair, thank you.

The Chair (Mr. Grant Crack): That is appropriate. What we shall do is take a 15-minute recess, at which time we will come back and vote on the amendment.

Is there any further debate prior to the recess? Because when we come back, we vote immediately.

So there will be a 15-minute recess starting now.

The committee recessed from 1502 to 1517.

The Chair (Mr. Grant Crack): I shall call the meeting back to order after a 15-minute recess at the request of Mr. Dickson.

We are dealing with NDP motion number 3, which deals with an addition of section 22.1. We shall vote at this particular point. Those in favour of the motion? Those opposed to the motion? The motion is lost.

Motion number—sorry, Mr. Dickson?

Mr. Joe Dickson: Mr. Chair, I request a 20-minute break.

The Chair (Mr. Grant Crack): There has been no request for a vote put forward at this particular point, so we will continue the business.

We are moving to section 22.2, an amendment by the NDP, motion number 4. Mr. Mantha, please read that into the record.

Mr. Michael Mantha: I move that the bill be amended by adding the following section:

“22.2 The act is amended by adding the following section:

“Minimum light transmittance standard for windows

“73.1 No person shall drive a motor vehicle on a highway if there is less than 70% light transmittance through the windshield or any window of the vehicle.”

The Chair (Mr. Grant Crack): Mr. Mantha, could you just read the last sentence one more time? I believe there was a pronunciation error—not pronunciation, but I think you said “window” instead of “windshield.”

Mr. Michael Mantha: Okay. “73.1 No person shall drive a motor vehicle on a highway if there is less than 70% light transmittance through the windshield or any window of the vehicle.”

The Chair (Mr. Grant Crack): Thank you very much, sir.

Mr. Michael Harris: What number is this again?

The Chair (Mr. Grant Crack): We are currently dealing with NDP motion number 4. It’s an addition of section 22.2. Mr. Mantha has read that into the record, and at this particular point I am going to provide you an opinion—

Mr. Michael Harris: I had a comment.

The Chair (Mr. Grant Crack): I will provide you with my opinion: I believe that this is out of order. I believe it could be seen as an indirect amendment to a section of the act that isn’t open in this bill, so there’s no requirement for further discussion. It’s out of order.

Mr. Michael Harris: Or ask for UC and we’ll talk about it.

Mr. Michael Mantha: Chair, you’ve—

The Chair (Mr. Grant Crack): I’ve ruled it out of order.

Mr. Michael Mantha: You’ve ruled it out of order?

The Chair (Mr. Grant Crack): Yes, sir.

Mr. Michael Mantha: I respect your views, Mr. Chair, but I believe that this pertains directly to safety and to the Highway Traffic Act, and I wanted to voice that. I would ask that you leave it up to this committee to determine if we’re going to have unanimous consent, going forward.

The Chair (Mr. Grant Crack): Okay, thank you. There’s been a request for unanimous consent. Do we have unanimous consent? We have no unanimous consent, so it is out of order. We’ll continue to move forward.

We shall move to section 23, PC motion number 5. Mr. Harris.

Mr. Michael Harris: Number 5?

The Chair (Mr. Grant Crack): It’s an amendment to section 23.

Mr. Michael Harris: I move that section 23 of the bill be amended by adding the following subsection—that’s not the right one, is it?

The Chair (Mr. Grant Crack): Yes, it is.

Mr. Michael Harris: She’s shaking her head. Hang on a second. Number 5.

The Chair (Mr. Grant Crack): It is up to you, as a member, to determine which one you’d like to put forward, but these are the ones that you put forward in sequence.

Interjection.

Mr. Michael Harris: No, it will be 6.1.

The Chair (Mr. Grant Crack): Okay, so we shall move to PC motion 6.1. Mr. Harris.

Interjections.

The Chair (Mr. Grant Crack): It appears at this particular point that PC motions 5 and 6 will not be moved at this time. We’re moving to 6.1. Mr. Harris.

Mr. Michael Harris: I move that section 23 of the bill be amended by adding the following subsection:

“(0.2) Subsection 78(2) of the act is amended by adding the following clause:

“(b. 1) a two-way radio used by a person operating a school bus, as defined in subsection 175(1);”

Can I comment on the motion before you comment?

The Chair (Mr. Grant Crack): Absolutely. There’s a motion on the floor. Further discussion? Mr. Harris.

Mr. Michael Harris: This motion would exempt drivers of school buses from section 23 of the bill. The rationale here is really that two-way radios in school buses are an important tool used for vehicle safety issues or student safety issues. Student safety can be enhanced by allowing, for example, a driver to call base, to have a dispatcher call a student’s home and ensure a parent or guardian is home to receive a child when there is no sign of anyone at home.

Most operators have definitive radio policies so that the radio does not become a social network but is used for the exact purpose it was designed for. When an emergency arises, the driver calls the dispatch, then hangs up the microphone and awaits the response from the dispatcher. Bus drivers require this tool to be able to better ensure the safety of their passengers. I hope that that motion is clear.

I would like to just inform the committee that we are discussing road safety. Although there have been some motions that have been ruled out of order and in order, I think it’s the onus on the committee to at least discuss those amendments or motions. By saying no to it, you see

that it immediately shuts down any potential discussion on an issue, like heavily tinting windows. Let's at least have a discussion. You do have a majority and, at the end of the day, you have outnumbered us on the votes. So even if you don't like the direction of an amendment, have a discussion on it at the very least, then vote yes or no. Instead of saying no to the UC right away, have a discussion. It's about road safety. We've proposed thoughtful amendments to increase and better road safety in Ontario. Have a discussion at the very least.

The Chair (Mr. Grant Crack): Okay, thank you. Ms. Hoggarth.

Ms. Ann Hoggarth: I agree with Mr. Harris; that won't happen often, however. I agree that it's very important that road safety for everyone be taken care of.

I've taught for many years and in many schools where buses come regularly. At my last school, there was only the special-ed van that came, but in most of the rural schools where a lot of buses came, they already used this. There are provisions. This amendment is unnecessary as provisions already exist. The school bus drivers already use them in our county, so there are provisions for this. Two-way radios are currently permitted for use by drivers, so I don't understand why we would put in something that's already allowed.

Mr. Michael Harris: The amendment, actually—

The Chair (Mr. Grant Crack): Okay, Mr. Harris—are you finished?

Ms. Ann Hoggarth: Yes, I am. Thank you.

The Chair (Mr. Grant Crack): We're just going to have some decorum here. So Ms. McGarry, and then you can respond after. Ms. McGarry?

Mrs. Kathryn McGarry: Great, thank you. Certainly, school bus safety is paramount. My children have always been bused to and from their rural schools and it's very important. Again, I would agree with Mr. Harris that this is ultimately important.

But currently, as my colleague the member from Barrie has pointed out, these provisions already exist in Ontario regulation 366/09. Although we all agree that two-way radios would be very important on the school buses, it already exists. It really means that this amendment is unnecessary and redundant.

I also did want to point out, in addition, that this motion suggests amendments to an incorrect section of the Highway Traffic Act. It's seeking to amend the provision related to display screen, section 78.

This provision already exists, so I'm happy with voting against this motion.

The Chair (Mr. Grant Crack): Thank you. Mr. Harris?

Mr. Michael Harris: Yes, it exists, but this amendment would exempt drivers from the section 23 on distracted driving. If a bus driver is on their two-way radio, they, in essence, could be charged under the distracted driving law. That's what we're talking about here. We're not talking about whether two-way radios are allowed on a bus or not, because they are. We're making it clear that if school bus drivers are having to use their two-way

radio for an emergency with children, they're not charged with being distracted while at the wheel, because, in essence, that's what they're doing.

The Chair (Mr. Grant Crack): Okay, thank you very much. Further discussion? Ms. McMahon.

Ms. Eleanor McMahon: Thank you, Mr. Harris. These are helpful clarifications.

I just had a question about officer discretion. I ask this quite honestly because I don't know the answer, but if an officer pulls over an operator of a bus and that person was deemed to be using their two-way radio, can there not a conversation ensue? It's the officer's discretion whether or not to lay the charge. I ask that quite honestly because I don't know the answer. I know a lot of these things are officer discretion, right? The officer could, in point of fact, decide not to lay a charge if the operator was found to be using it for an emergency or for a very good reason. I'm just asking that quite honestly.

Mr. Michael Harris: And vice versa. You're absolutely right: It is discretion. That's why, as lawmakers, we make things black and white so it's very clear, because it could go the other way. The officer could, in fact, fine the bus driver for being distracted while operating his two-way radio to see if Johnny's mom is home because Johnny is on the bus and there's nobody at the stop to pick him up, which usually happens, right?

This was something that the school bus association had put forward as an amendment, to ask us to add some clarity for. That's what this is about. It's about bringing clarity.

The Chair (Mr. Grant Crack): Thank you very much. Any further discussion? Ms. McGarry.

Mrs. Kathryn McGarry: I appreciate all the discussion on school bus safety. It has happened in my own home from time to time where a child has inappropriately gone to drop-off, and usually when the school bus driver—who I've known quite well—is either calling ourselves or calling to know what to do. She's usually stopped at the time at the end of the driveway or stopped safely so that she can make those calls without being distracted by the road. I think that period of discretion that my colleague from Burlington is talking about is that if a school bus operator needs to make a call, then most likely they're going to be stopped at the stop or pull over safely while they sort it out.

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? There being none, I shall call for the vote.

Mr. Michael Harris: A recorded vote.

The Chair (Mr. Grant Crack): There's been a request for a recorded vote.

Ayes

Harris, Mantha, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry, McMahon.

The Chair (Mr. Grant Crack): The motion is defeated.

1530

We shall move to PC motion number 7. Mr. Harris?

Mr. Michael Harris: It's 7.1.

The Chair (Mr. Grant Crack): Number 7 is not being dealt with. We shall move to 7.1. Mr. Harris.

Mr. Michael Harris: I move that section 23 of the bill be amended by adding the following subsection:

“(2) Section 78 of the act is amended by adding the following subsection:

“Demerit points

“(6) If a person is convicted of an offence under subsection (5), the registrar shall record three demerit points in respect of the person in accordance with Ontario regulation 339/94 (demerit point system) and the provisions of that regulation apply with necessary modifications to any demerit point recorded under this section as though it had been recorded under section 2 of that regulation.”

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? Mr. Harris.

Mr. Michael Harris: This motion would ensure that three demerit points would be given to anyone convicted of an offence under section 78, subsection (5), of the act. The rationale here is that we support increased fines for infractions, but fines are not often enough to deter distracted or reckless driving. We believe that the threat of demerit points will not only act as a deterrent, but also as a suitable punishment for violations of this specific section of the act.

The minister has had a year since this legislation was last debated before the election to use his powers to create demerit points through regulation, and we are still waiting. We are simply taking what he has proposed and embedding it into the legislation.

The Chair (Mr. Grant Crack): Thank you. Ms. McGarry.

Mrs. Kathryn McGarry: Thank you very much. I think all members would agree that throughout the debate in the House, and through the public consultations when we had our road safety partners come and speak to this, certainly this has probably been the part of Bill 31 that I've spoken to the most in terms of groups like the insurance company etc.

I think it's good to hear support that we need to have these demerit points put onto a charge of distracted driving, and I really do appreciate the fact that you support that part of the bill. I think it's very necessary to get that into legislation.

Right now, the regulations will be forthcoming. The ministry has already intended to make the regulatory amendments to apply the three demerit points on conviction for distracted driving offences. So, therefore, the amendment right now, although I understand that it's in great spirit, is really unnecessary, because these regulations are coming.

The MTO really does plan to introduce the three demerit points upon a distracted driving conviction and

will fully prohibit distracted driving for novice drivers under the graduated licensing system. They are coming in the regulatory change that will be forthcoming, so I just think that this is unnecessary at this time.

The Chair (Mr. Grant Crack): Thank you very much. Mr. Harris.

Mr. Michael Harris: Well, I think you will have a difficult time explaining to people why this is unnecessary when you're saying it's necessary, but not necessary at this time. We have waited over a year for regulations to be enacted on demerit points, and it hasn't happened. The best way to ensure that demerit points are applied is to put it in the legislation, so that we absolutely know that it's going to happen.

Let's just agree with embedding it into the legislation and make it happen now. We've waited over a year. It could have been done by now. Why hasn't the minister enacted his powers to actually provide these demerit points through regulation? Let's get it into the legislation. We've had to wait over a year when we could have done it overnight.

The Chair (Mr. Grant Crack): Thank you. Ms. McGarry?

Mrs. Kathryn McGarry: As the member is probably aware, Bill 31 is actually a compilation of two pieces of legislation that were brought forward in the House under two various bill numbers. Both of those died on the order paper when the election was called this past spring. Bill 31 is actually a compilation, as you're aware, of both of those pieces of legislation.

Now that we've got the distracted driving piece coming forward in Bill 31, that's why we're debating it now, and that's why we will be ensuring that it does pass, so we do have the ability—or the officer does—to actually lay a distracted driving charge and to be able to then apply the demerit points. So those demerit point regulatory changes are coming with the rollout of this bill.

The Chair (Mr. Grant Crack): Mr. Harris.

Mr. Michael Harris: Just to clarify that, yes, you're right: These did die on the order paper. However, you're missing what I'm saying. The minister could have, at the stroke of a pen, brought in regulations introducing demerit points, but didn't. So I feel compelled to add it to the legislation so that it actually does happen, because you didn't need legislation for it to happen back then. But we've waited a year, so clearly we do.

The Chair (Mr. Grant Crack): Okay, thank you. Mr. Mantha.

Mr. Michael Mantha: Just sitting outside of this discussion, I want to make sure that I'm hearing both the government and the opposition parties. Is the government saying that they are going to be introducing legislation to enact exactly what the opposition party is proposing right now? That would be a question that I have for the government right now.

The Chair (Mr. Grant Crack): Ms. McGarry.

Mrs. Kathryn McGarry: If you recall, and both of these members were sitting in the House before, you will remember that on those previous two bills—I think it's

173 and I don't remember the other bill number—there was a lot of debate. There was a great number of hours devoted to debating this. We had a lot of members in the House, both pre-election and then post-election, be able to answer this sort of add-in to the debate on this current Bill 31.

But again, the demerit points are not the legislative piece; they're the regulatory piece. We would like to see this bill go forward so that we can get to that as soon as possible. These are the kinds of changes that our police forces and our road safety partners are trying to get forward. We have debated in the House at length. We have now had a great number of members during the fall and current session talking about it. We've had a lot of public consultation. We've had our partners come forward to this table and discuss it.

So again, the distracted driving piece is a very important piece. I would like to see this move as quickly as possible so that we can actually get the distracted driving piece of this bill passed and be able to make those regulatory changes as quickly as possible.

The Chair (Mr. Grant Crack): Thank you. Mr. Mantha?

Mr. Michael Mantha: So let me try it this way: Is the government looking at implementing these changes under regulatory change later? From what I understand and from where I'm sitting, you're kind of agreeing to what the opposition parties are asking for. I'm just asking, if you're not agreeing with it now, are you agreeing to do it through a regulatory change in the future? Is that what I heard you say?

The Chair (Mr. Grant Crack): Ms. McGarry.

Mrs. Kathryn McGarry: Thank you for the ability to answer that. With the way that the bill is laid out right now, we're going to make this bill—write it into legislation, Bill 31. Then there are a number of regulatory changes, because of the bill and the legislation, that will be coming as quickly as possible.

The Chair (Mr. Grant Crack): Okay, thank you. Mr. Harris.

Mr. Michael Harris: Basically, what I've asked, Mr. Mantha, is—she's right: When we debated the former legislation, whatever number it was, we all agreed on increased fines for distracted driving, as well as demerit points. That was an agreement we all had. But you don't need legislation to enact demerit points. A minister can do that on a whim. But he didn't do it. He sat on the sidelines, talking a lot about road safety but not actually showing it.

So they're saying, "Trust us. We'll do it, when the bill is done and passed through regulation." We're saying, "Let's embed it into the legislation so that it actually gets done." That's what we're saying. They're saying, "Well, we agree with this. We're going to give the exact amount of points that I'm suggesting, but we don't want it in the legislation. We want to leave it up to regulation afterwards."

Mr. Michael Mantha: One last—

The Chair (Mr. Grant Crack): Mr. Mantha, and then we're going to Mr. Dickson.

Mr. Michael Mantha: I understand what my friend Mr. Harris has indicated to me; I do. I still didn't receive the kind of answer that I'm looking for. Is the government looking at doing this or not? That's as simple as I can put it.

The Chair (Mr. Grant Crack): Okay.

Mr. Michael Mantha: That's three times now. Are you going to do it or not?

The Chair (Mr. Grant Crack): Thank you very much. Mr. Mantha has posed a question. Prior to going to Mr. Dickson, could the parliamentary assistant reply prior to your comments?

Mr. Joe Dickson: It would be appropriate for the PA to respond to that question first and then I'll go forward. Thank you, Mr. Chair.

The Chair (Mr. Grant Crack): Thank you for your kindness, sir.

Ms. McGarry.

Mrs. Kathryn McGarry: Thank you very much. There are a lot of regulatory changes that will come out of Bill 31 once it's enacted into legislation and the regulations will be going forward en masse because it would otherwise be confusing for the different agencies that would be having to respond to each and every one. So the regulatory changes will move through that process as quickly as possible after this bill is passed, so that they will be able to get those changes out to the appropriate agencies.

If you look back at the regulations that are going to change with this bill on cycling safety, the pedestrian, the other pieces of this bill, the distracted driving, the drug impaired, all those pieces will go forward in one regulatory piece. Each agency needs to train and be educated on new changes in law, and it does have a component about how much time and effort it takes. Certainly we've heard from our partners that it's easier to get a number of changes at one time rather than in piecemeal fashion.

Interjection.

The Chair (Mr. Grant Crack): Okay. We'll have final comments and then Mr. Dickson.

Mr. Michael Mantha: I was just basically looking for a yes or no, but you've kind of answered my question—not really, but thank you.

The Chair (Mr. Grant Crack): We'll go to Mr. Dickson.

Mr. Joe Dickson: Thank you, Mr. Chair. You'll note that I still have a request in front of the Chair for a 15- to 20-minute break. However, I did want to comment that of course the parliamentary assistant has been very appropriately functional. She's pointed out that Bill 31 is something that should proceed with not being a further bureaucratic nightmare that's going on here. The legislation is going forward and, of course, the regulations, in fact, are going forward as well, and that's most appropriate. So we want to proceed, if we can stop talking about it, and get on with the job.

The Chair (Mr. Grant Crack): Thank you, Mr. Dickson. Mr. Harris.

Mr. Michael Harris: Now, a quick question: Are you calling for a 15-minute recess?

Mr. Joe Dickson: I did.

Mr. Michael Harris: You did. Okay. So before we do that—I'm always confused with you, Joe, because you want a recess, then you're saying, "Let's get on with it," but you've called close to 60 minutes—

Interjection.

Mr. Michael Harris: You've called nearly 60 minutes of breaks today for whatever reason. So it's you who's actually slowing things up today.

For the record, our debate on this motion—by the sounds of it, they're going to vote against what they're actually going to do, if you can figure that one out.

So I'll leave it at that. I'd call the question, because I think that's as far as we're going to go with this one.

The Chair (Mr. Grant Crack): Mr. Harris has asked that I call the question.

Mr. Michael Harris: On a recorded vote.

The Chair (Mr. Grant Crack): There's been a request for a recorded vote. Before I do that, I just want to remind the members of the committee that the appropriate time to request a recess of up to 20 minutes would be once we have called the vote. So when you're ready to vote, then you ask for the recess at that particular time.

So there's been a request to call the vote. Those in favour?

Mr. Joe Dickson: Chair?

Mr. Michael Harris: Sorry. We're in favour of a recess?

The Chair (Mr. Grant Crack): No. Those in favour of the motion that you have put forward.

Mr. Michael Harris: And we've asked for a recorded vote.

The Chair (Mr. Grant Crack): There's a request for a recorded vote on the motion that you have put forward, number 7.1.

Mr. Michael Harris: Yes.

The Chair (Mr. Grant Crack): And I believe I have a request for a recess.

Mr. Joe Dickson: Thank you very much.

The Chair (Mr. Grant Crack): Which is how long?

Mrs. Kathryn McGarry: Fifteen minutes.

The Chair (Mr. Grant Crack): A 15-minute recess. That is granted. Once we return, we shall be voting on the motion. It's 3:44—at 3:59.

The committee recessed from 1544 to 1559.

The Chair (Mr. Grant Crack): Okay. Do you want me to wait for Mr. Harris, Mr. Yurek? I guess not.

We have a request, I believe, for a recorded vote, so I shall call the vote at this particular time, Madam Clerk. We're voting on PC motion 7.1, which is a new subsection, 23(2).

Ayes

Mantha, Yurek.

Nays

Hoggarth, Kiwala, McGarry, McMahon.

The Chair (Mr. Grant Crack): The motion is lost.

Section 23 is not amended, so I shall call the vote. Shall section 23 carry? Those in favour? Those opposed? Sorry, Mr. Mantha.

Mr. Michael Mantha: Section 23 is—

The Chair (Mr. Grant Crack): There are no amendments, so shall section 23 carry?

Mr. Michael Mantha: Don't they have amendments?

The Chair (Mr. Grant Crack): Both were defeated.

Mr. Jeff Yurek: We had one amendment.

Interjections.

The Chair (Mr. Grant Crack): I've already asked for those in favour. Those opposed?

Mr. Michael Harris: Just wait. What are we working on?

The Chair (Mr. Grant Crack): Section 23. Shall it carry, unamended? I've asked for those in favour. I'm well aware of who was in favour. Those opposed? Okay. Section 23 carries.

Mr. Michael Harris: What was the vote on?

The Chair (Mr. Grant Crack): Section 23.

Interjection.

The Chair (Mr. Grant Crack): It wasn't a recorded vote but, as Chair, when I had called the vote, I was able to recognize those who voted in favour and I've also recognized those who voted opposed. Section 23 carries.

We shall move to section 24. It is PC motion number 8. Mr. Harris.

Mr. Michael Harris: It's 8.1.

The Chair (Mr. Grant Crack): We shall move, then, to 8.1.

Mr. Michael Harris: I move that section 24 of the bill be amended by adding the following subsection:

"(0.1) Subsections 78.1(1), (2) and (3) of the act are amended by striking out 'motor vehicle' wherever it appears and substituting 'motor vehicle or bicycle'".

The Chair (Mr. Grant Crack): Thank you. Further discussion? Mr. Harris.

Mr. Michael Harris: This motion would add a subsection to section 23 to change the wording from "motor vehicle" to "motor vehicle or bicycle." The rationale here is that the current wording does not allow the Highway Traffic Act to be applied to those riding bicycles. Bicycles are road vehicles and the same laws that apply to drivers of motor vehicles should apply to bicyclists. There must be at least some acknowledgement of the shared responsibility that all vehicle operators, including cyclists, have when it comes to maintaining road safety. The tragedies that can ensue from distracted cycling need to be addressed in the law. Penalties must be in place to discourage this behaviour and recognize shared responsibility and safety.

I will draw your attention to a recent submission from the Ottawa Police Service dated March 9 to the members of the committee by Sergeant Mark Gaten of the Ottawa Police Service. He says here: "With this small change, it would encompass bicycles and implements of husbandry (mainly backhoes and front-end loaders). Our hands are presently tied with cell phone infractions being com-

mitted on bicycles and backhoes etc. using our roadways. There have been countless complaints to the police via social media about the use of phones with these methods of transportation, and with the present wordings our hands are tied for enforcement efforts.” He signed this “Respectfully submitted” on March 9.

The Chair (Mr. Grant Crack): Thank you very much. Further discussion.

Mrs. Kathryn McGarry: Thank you very much, Chair. Again, I really look to the members opposite to support road safety and that’s really the main reason why we’re here debating Bill 31. I certainly read through the correspondence with interest that MPP Harris has referenced. However, there are a couple of reasons why it’s not possible to take these forward as is written in the memo.

Number one, currently our cyclists are not required to have driver’s licences and they’re not required to have identification while they’re out cycling. An example that comes to mind is a 12-year-old who is out cycling and he happens to be on his cell phone—which some 12-year-olds do have—and the police officer pulls him over. Now, because the new distracted driving law will have the three demerit points, how is he to proceed? He doesn’t have a driver’s licence he’d be able to apply the demerit points to, and the child riding may not have identification on him.

So although it is something that is of concern, certainly there are other jurisdictions as well who are doing more investigation and more consultation into the area of distracted cyclists. At the moment, there are no provisions to be able to carry the demerit points onto a cyclist. So I am happy to look forward to further research into cycling safety.

The Chair (Mr. Grant Crack): Thank you very much. Mr. Harris—oh, sorry. Ms. McMahon and then Mr. Harris.

Ms. Eleanor McMahon: Thank you, Mr. Chair. I’d like to commend Mr. Harris for his concern for cycling safety—very, very admirable. Ottawa’s the most bicycle-friendly city in Ontario, as you know. I used to be at Share the Road and we designated them gold—the only gold in the province. Consequently, they have the most cyclists compared to Toronto, actually, which has more—137,000 people are riding their bikes every day in Toronto, which is admirable.

Certainly this is an issue of interest and concern to all of us, cycling safety, motorist safety. My colleague the MPP for Cambridge has already outlined some of the practical reasons why this change would be difficult. No one’s questioning the fact that when cyclists undertake a call, that can be problematic. What I would suggest is to build on what my colleague suggested, that we need more research into this area.

I had the pleasure of sitting in on the coroner’s review into cycling deaths in Ontario, where the OPP also sat, where the Ontario Association of Chiefs of Police also sat, as did CAA and a group of others from across Ontario—noted physicians etc. The recommendations

emanating from that cycling death review, which covered 126 souls in Ontario, did not include a recommendation such as this.

In summary, I think there’s an opportunity here to continue the conversation about just how we might address these kinds of issues. It’s certainly something that I have heard from the policing community, being a member of the police family, as an ongoing burgeoning issue. So I think some further conversations are required. I think we would all welcome ongoing, positive contributions, legislative ones included, that enhance the road for all road users, because cyclists recognize—because 87% of them are also motorists—that they have a responsibility to be safe.

I will thank the member opposite for his concern for the safety of cyclists, which is laudable. It’s one which we all share. I look forward to ongoing conversations. I’m just not sure this is the way to get us there.

The Chair (Mr. Grant Crack): Thank you. Mr. Harris.

Mr. Michael Harris: I guess I have a couple of questions. Is there a lawyer from the ministry here that I can ask the questions of?

The Chair (Mr. Grant Crack): Is there a lawyer from the ministry that perhaps could provide some clarification?

Interjection.

The Chair (Mr. Grant Crack): I would ask if there is someone from the ministry who could come forward. Thank you very much. Please, for the record, state your name and position, and I believe Mr. Harris will have a question for you.

Ms. Mary Merkowsky: My name’s Mary Merkowsky. I’m counsel with the Ministry of Transportation’s legal services branch.

The Chair (Mr. Grant Crack): Thank you.

Mr. Michael Harris: Hi. Good afternoon. I’ve got a question for you. One of the government members mentioned applying demerit points to someone on a bicycle who may not have a driver’s licence. Could they not, because demerit points are established in regulation, exclude or make exclusions in regulation on who would receive demerit points?

Ms. Mary Merkowsky: Demerit points are applicable to motor vehicle convictions only. A bicycle is considered to be a vehicle, not a motor vehicle, so they would not have demerit points applied on conviction.

Mr. Michael Harris: If we were to change, though—because we’re on, right now, the section where we’re striking out “motor vehicle” wherever it appears and substituting “motor vehicle or bicycle.” How would that then change enforcement?

Ms. Mary Merkowsky: Well, on conviction is when demerit points are typically applied. The demerit point scheme, as you probably know, is used as a way to assess driver behaviour. After an accumulation of a certain number of demerit points, the driver is asked to attend some kind of remediation to improve their behaviour. Obviously a cyclist would not fall within that scheme

because the demerit points would not apply to them upon conviction of this offence.

1610

Mr. Michael Harris: So, basically, you could actually include “motor vehicle or bicycle” in the act and give them the fine, but they wouldn’t be subject to the demerit points.

Ms. Mary Merkowsky: We typically look at the difference between a motor vehicle and a bicycle when we look at fines. We typically don’t have the same level of fine applied to someone on a bicycle committing the offence. Motor vehicles tend to cause more damage, more injuries, more fatalities, so typically you don’t have the same kind of fines that apply for both—

Mr. Michael Harris: I get that. You’re saying a cyclist wouldn’t be subject to any demerit points, only a fine. If we were to agree with this amendment, where we change “motor vehicle” to “motor vehicle or bicycle,” and they were caught on their phone, they’d be subject to the fine but not the demerit points. Correct?

Ms. Mary Merkowsky: They would fall outside of the scheme to monitor and change driver behaviour, yes.

Mr. Michael Harris: That basically answers the question and perhaps makes the argument moot for the government’s point on demerit points and cyclists.

This is a suggestion from law enforcement out of Ottawa, because there’s a significant problem with cyclists using their cellphones or devices when riding a bicycle. That’s dangerous to them and others, including motorists.

Those arguments are perhaps no longer valid based on what we’re hearing from the government lawyer, and I encourage the members to support the motion to include bicycles, as per the request of the Ottawa police.

The Chair (Mr. Grant Crack): Okay. Thank you for coming forward. We appreciate it.

Any further discussion? There being none, we do have before us motion 8.1.

Mr. Jeff Yurek: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote, so I shall call the vote.

Ayes

Harris, Mantha, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry, McMahon.

The Chair (Mr. Grant Crack): The motion is lost.

Now we shall move to the next motion. My records indicate 9, but I would suspect that you’re going to 9.1, Mr. Harris.

Mr. Michael Harris: Yes, 9.1.

I move that section 24 of the bill be amended by adding the following subsection:

“(0.2) Subsection 78.1(4) of the act is amended by adding the following clause:

“(b.1) a person operating a school bus, as defined in subsection 175(1), who is using a two-way radio;”

The Chair (Mr. Grant Crack): Further discussion? Mr. Harris.

Mr. Michael Harris: This motion would exempt drivers of school buses from section 24 of the bill. Two-way radios in school buses are used for vehicle safety issues or student safety issues. An example of this would be a driver calling base to have a dispatcher call a student’s home to ensure that a parent or guardian is home to receive a child if there is no sign of anyone at home. Just last week, I believe, there was an example out of Brantford where a youngster didn’t get on the bus, of course, and walked home.

Anyway, most operators have definitive radio policies so the radio does not become a social network but is used for the exact purpose it was designed for. When an emergency arises, the driver calls dispatch, then hangs up the microphone and awaits the response from the dispatcher.

The Chair (Mr. Grant Crack): Ms. Hoggarth.

Ms. Ann Hoggarth: A point of order: I think this is out of order. We discussed this, and Mr. Harris used exactly the same speaking points. I believe we already went over this, and it was lost earlier. It was the same speaking points.

The Chair (Mr. Grant Crack): However, it is a different motion. So I will thank you for the point of order, but it’s not a point of order.

Ms. Ann Hoggarth: Okay.

The Chair (Mr. Grant Crack): Any further discussion? I shall call for the vote.

Mr. Jeff Yurek: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote. Shall motion 9.1 from the Progressive Conservatives carry?

Ayes

Harris, Mantha, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry, McMahon.

The Chair (Mr. Grant Crack): The motion is lost.

Next on the agenda is 9.2, but I believe that particular motion is consequential to 9.1 passing, so we shall move to PC motion number 10. Mr. Harris.

Mr. Michael Harris: I move that section 24 of the bill be amended by adding the following subsection:

“(2) Section 78.1 of the act is amended by adding the following subsection:

“Demerit points

“(6.2) If a person is convicted of an offence under subsection (6.1), the registrar shall record three demerit points in respect of the person in accordance with Ontario regulation 339/94 (demerit point system) and the provisions of that regulation apply with necessary modifica-

tions to any demerit point recorded under this section as though it had been recorded under section 2 of that regulation.”

The Chair (Mr. Grant Crack): Further discussion?

Mr. Michael Harris: I think it's pretty obvious that we are simply embedding the demerit point system into the legislation.

The Chair (Mr. Grant Crack): Any further discussion?

Mrs. Kathryn McGarry: Again, this is much the same motion as before. Right now we are talking about the legislation of Bill 31 moving through the process, and regulatory changes that come out of the passage of this bill—or potential passage of the legislation—will come at a later date. I'm satisfied that it will come in the regulatory changes.

The Chair (Mr. Grant Crack): Further discussion?

Mr. Michael Harris: I guess I just have a question: If a ministry official could answer roughly when that regulation of demerit points would actually take effect or be brought in, assuming third reading of the bill? I'm just wondering about a timeline.

The Chair (Mr. Grant Crack): Ms. McGarry, would you like to respond to that?

Mrs. Kathryn McGarry: Could I have our legal counsel from MTO come forward and answer this question? Thank you very much.

The Chair (Mr. Grant Crack): Once again, state your name and position, please.

Ms. Mary Merkowsky: Mary Merkowsky, counsel for the Ministry of Transportation's legal services branch.

The intent is to have the demerit point regulation amended for the addition of demerit points for conviction of these offences in conjunction with, when the bill passes, the increased fine amounts. Sanctions and penalties would come into force at the same time. It makes it easier when you're communicating changes to policing services so that they understand that fine increases and demerit points all occur at the same time.

Mr. Michael Harris: Just to clarify: You're saying that the regulation of demerit points would come into effect when the bill is given royal assent—at the exact same time?

Ms. Mary Merkowsky: When the increased fine amounts for the distracted driving—

Interruption.

Mr. Michael Harris: Sorry, the door shut—what was that?

Ms. Mary Merkowsky: The intent is, when the increased fine amounts come into effect for distracted driving offences, the demerit point regulation will be amended at the same time that those come into force.

Mr. Michael Harris: When would those increased fines come into effect?

The Chair (Mr. Grant Crack): If you could speak a little closer to the mike, that would be greatly appreciated.

Ms. Mary Merkowsky: My apologies. I don't have a timeline. I understand that it will be shortly thereafter.

Mr. Michael Harris: How long, typically, after?

Ms. Mary Merkowsky: I do not know.

Mr. Michael Harris: Within six months, within three months, roughly?

Ms. Mary Merkowsky: I understand that they're one of the first items that will be dealt with.

Mr. Michael Harris: What's the difference between embedding it into the legislation and waiting for regulation?

Ms. Mary Merkowsky: The regulation sets out a totality of the scheme where all circumstances, rules and exceptions apply with the application of demerit points, depending on the circumstances of the conviction. If you stick the demerit points in the legislation itself, it's outside that scheme. That's why the regulatory framework is preferable to a legislative insertion of demerit points.

Mr. Michael Harris: One last point, though: The demerit points would come into effect sooner once this bill passes versus leaving it up to regulation.

Ms. Mary Merkowsky: No. They would come into effect at the same time because these sections come into force on proclamation, so you can time the regulation amendments to come into force at the same time you proclaim the increased fine amounts.

1620

Mr. Michael Harris: So why wouldn't you simply embed it into the legislation? What is the downfall of doing so?

Ms. Mary Merkowsky: As I've explained, the demerit points scheme sets out the entirety of how demerit points are applied with exceptions and circumstances, whereas the legislation would not.

Mr. Michael Harris: Right. Thank you.

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? There being none, I shall call for the vote.

Mr. Jeff Yurek: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

Ayes

Harris, Yurek.

Nays

Dickson, Hoggarth, Kiwala, Mantha, McGarry, McMahon.

The Chair (Mr. Grant Crack): The motion is lost. We shall move to PC motion 10.1.

Mr. Michael Harris: No.

The Chair (Mr. Grant Crack): That was a replacement, so that is not going to move forward.

Section 24 has had some debate. There are no amendments. Shall section 24 carry, unamended?

Mr. Michael Harris: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote. Those in favour?

Mr. Joe Dickson: In favour of?

The Chair (Mr. Grant Crack): Section 24 carrying.

Mr. Joe Dickson: Got it. I want to make sure.

Ayes

Dickson, Hoggarth, Kiwala, Mantha, McGarry, McMahon.

Nays

Harris, Yurek.

The Chair (Mr. Grant Crack): The motion is carried, so section 24 carries.

We shall move to a new NDP section: 21.4. I am going to make a ruling on this particular motion.

Mr. Michael Mantha: Can we call it 24.1?

The Chair (Mr. Grant Crack): What did I say?

Mr. Michael Mantha: You said 21.4.

The Chair (Mr. Grant Crack): I meant 24.1. Thank you very much for clarifying that. I would ask that Mr. Mantha move the motion.

Mr. Michael Mantha: I move that the bill be amended by adding the following section:

“24.1 The act is amended by adding the following section:

““Starter interrupters prohibited

““78.2(1) No person shall use a starter interrupter in connection with a financing or lease agreement relating to a motor vehicle.

““Exception

““(2) Subsection (1) does not apply to a prescribed starter interrupter that is installed in the prescribed manner and is used under the prescribed circumstances.

““Regulations

““(3) For the purposes of subsection (2), the minister may make regulations,

““(a) prescribing starter interrupters;

““(b) prescribing the manner of installing starter interrupters;

““(c) prescribing the circumstances under which starter interrupters may be used.

““Definition

““(4) In this section,

“““starter interrupter” means any after-market device that is installed in a motor vehicle and that is designed to track the location of the vehicle or to disable or disrupt the operation of the vehicle as a result of information the device receives or fails to receive.”

The Chair (Mr. Grant Crack): Thank you very much, Mr. Mantha. Unfortunately, I'll be calling this one out of order as well. I believe that this amendment is outside the scope of the bill, as set out by the parameters of the debate at second reading.

Mr. Mantha?

Mr. Michael Mantha: Mr. Chair, with all due respect, this amendment is being brought forward pertaining directly to highway safety, and I want that comment to be recorded. I would ask this committee unanimously to support it moving forward.

The Chair (Mr. Grant Crack): Mr. Mantha has asked for unanimous consent to put this motion on the table. Do we have unanimous consent? I heard a no. Thank you, Mr. Mantha.

We shall move to section 25. I may ask the committee: Sections 25 to 32 have no amendments. Would it be the wish of the committee to deal with 25 through 32 inclusively, in one vote? I hear a yes. Are there none opposed? So we shall do that.

Shall sections 25, 26, 27, 28, 29, 30, 31 and 32 carry? Those in favour? Those opposed? The motion is carried. Sections 25 through 32, inclusively, carry.

We shall move to section 33. We have an NDP motion, which is number 12. Mr. Mantha.

Mr. Michael Mantha: I move that subsection 100.2(2) of the Highway Traffic Act, as set out in section 33 of the bill, be struck out and the following substituted:

“Director of vehicle inspection standards

“(2) The minister may appoint an officer of the ministry as director of vehicle inspection standards to administer the program.”

The Chair (Mr. Grant Crack): Thank you very much, Mr. Mantha. Further discussion? There being none, I shall call for the vote. Those in favour of the motion? Those opposed? The motion is lost.

We shall move to NDP motion 13. Mr. Mantha.

Mr. Michael Mantha: I move that subsections 100.2(3) and (4) of the Highway Traffic Act, as set out in section 33 of the bill, be struck out and the following substituted:

“Agreements to operate vehicle inspection centres

“(3) The minister may enter into agreements that authorize persons to operate vehicle inspection centres under the program.”

The Chair (Mr. Grant Crack): Further discussion?

Mr. Michael Mantha: Can I have a recorded vote?

The Chair (Mr. Grant Crack): Thank you, Mr. Mantha. Further discussion? Ms. McGarry?

Mrs. Kathryn McGarry: Thank you very much. I just wanted to add a bit to the discussion, that the modernization of Ontario's MVIS program will be dependent on the tools and expertise that are provided through a service provider. It's expected to significantly reduce inspection fraud and considerably improve program standards through automated and electronic delivery of inspection certificates and stock an enhanced sanctioning capacity.

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? There has been a request for a recorded vote, so I shall call the vote.

Ayes

Mantha.

Nays

Dickson, Hoggarth, Kiwala, McGarry, McMahon.

The Chair (Mr. Grant Crack): The motion is lost. We shall move to 14, NDP motion. Mr. Mantha.

Mr. Michael Mantha: I move that subsection 100.2(6) of the Highway Traffic Act, as set out in section 33 of the bill, be struck out.

The Chair (Mr. Grant Crack): Thank you. Further discussion? There being none, I shall call for the vote. Those in favour of the motion? Those opposed? The motion is lost.

We shall move to PC motion 15. Mr. Harris.

Mr. Michael Harris: I move that section 100.2(6) of the Highway Traffic Act, as set out in section 33 of the bill, be struck out.

The Chair (Mr. Grant Crack): Sorry. Is that number 15?

Mr. Michael Harris: Oh, sorry; that's NDP motion 14.

Mr. Michael Mantha: That's my motion.

Interjections.

The Chair (Mr. Grant Crack): Would you like to put that one forward or withdraw?

Mr. Michael Harris: No, I'm withdrawing that motion.

The Chair (Mr. Grant Crack): Okay. Mr. Harris has withdrawn the motion he's just read into record. So PC motion 15: Mr. Harris.

Mr. Michael Harris: Fifteen, yes; sorry.

The Chair (Mr. Grant Crack): That's okay.

Mrs. Kathryn McGarry: Anyone can make a mistake.

Mr. Michael Harris: I don't think that you can compare the two, actually.

The Chair (Mr. Grant Crack): Mr. Harris.

1630

Mr. Michael Harris: Motion 15.1: section 33 of the bill, new section 100.2 of the act.

I move—

The Chair (Mr. Grant Crack): Sorry. So you're not moving 15? You're moving 15.1?

Mr. Michael Harris: Yes, 15.1.

The Chair (Mr. Grant Crack): Thank you very much for the clarification: 15.1.

Mr. Michael Harris: I move that section 100.2 of the act, as set out in section 33 of the bill, be amended by adding the following subsections:

"Advisory committee

"(6.1) There shall be a vehicle inspection standards advisory committee established in accordance with the regulations.

"Role of advisory committee

"(6.2) The vehicle inspection standards advisory committee shall advise the director of vehicle inspection standards with respect to such matters as may be prescribed by regulation or as may be required by the director."

The Chair (Mr. Grant Crack): Discussion? Mr. Harris.

Mr. Michael Harris: This motion would create a vehicle inspection standards advisory committee to advise the director of vehicle inspection standards on regulatory issues.

We would prefer that the government did not create a director of vehicle inspection standards, given the government's record on automobile standards programs as it is. The biggest example of that would be Drive Clean.

Currently, there is very little information about the regulations that will be put into place by the director of vehicle inspection standards. We want to make sure that the regulatory framework for determining whether or not a car is roadworthy is developed with broad consultation that includes experts and the general public.

We understand that 40% of recommended light vehicle maintenance and repair is postponed.

We support incentivizing customers to encourage vehicle inspection, as opposed to enforcing a mandatory and costly inspection regime.

The Chair (Mr. Grant Crack): Further discussion? Ms. McGarry.

Mrs. Kathryn McGarry: Certainly, there has been a lot of discussion in the community and from our road-user partners regarding this. Just to reassure the member: MTO is seeking advice from industry and trade associations and will continue to do that in the future. Extensive consultation with ministry and industry and association working groups has proven to be very successful in the development of a new passenger vehicle safety standard. So it's anticipated that this model will continue to be leveraged during future consultations for this initiative.

The Chair (Mr. Grant Crack): Further discussion?

Mr. Joe Dickson: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

Ayes

Harris, Yurek.

Nays

Dickson, Hoggarth, Kiwala, Mantha, McGarry, McMahon.

The Chair (Mr. Grant Crack): The motion is lost. NDP motion number 16. Mr. Mantha.

Mr. Michael Mantha: I move that subsection 100.2(7) of the Highway Traffic Act, as set out in section 33 of the bill, be struck out.

The Chair (Mr. Grant Crack): Any further discussion?

Those in favour? Those opposed? The motion is lost.

NDP motion number 17. Mr. Mantha. Enjoy your read.

Mr. Michael Mantha: Enjoy your listening.

I move that section 100.2 of the Highway Traffic Act, as set out in section 33 of the bill, be amended by adding the following subsections—

The Chair (Mr. Grant Crack): I'm sorry, Mr. Mantha, but you have a motion 17 and a 17.1. Just for clarification, would you prefer 17.1, as opposed to 17? I'm just trying to avoid you reading that one into the record and then the other one was the preferred motion and having to read it again.

Mr. Michael Mantha: It's 17.

The Chair (Mr. Grant Crack): So 17 is fine? I apologize. Continue. Mr. Mantha?

Mr. Michael Mantha: One second. Good to go.

The Chair (Mr. Grant Crack): Very good. Thank you. The floor is yours, sir.

Mr. Michael Mantha: We'll go with 17.

The Chair (Mr. Grant Crack): Okay.

Mr. Michael Mantha: I move that section 100.2 of the Highway Traffic Act, as set out in section 33 of the bill, be amended by adding the following subsections:

"Agreements with operators

"(8) An agreement entered into under subsection (4)(a) in which the minister authorizes a person to operate a vehicle inspection centre under the program shall include, at a minimum,

"(a) a requirement that the person prepare an annual summary of inspection data for each vehicle inspection centre operated by the person, including the total number of vehicles that failed, passed or received a conditional pass as a result of a mandatory inspection;

"(b) a requirement that the person provide, on request, any document relating to the agreement to a person appointed by,

"(i) the Speaker of the Assembly, the Auditor General, the Environmental Commissioner, the Financial Accountability Officer, the Information and Privacy Commissioner, the Integrity Commissioner or the Ombudsman, or

"(ii) the minister;

"(c) a description of the performance standards that shall be met by the person;

"(d) a description of the inspection system by which the minister shall verify that the performance standards are being met;

"(e) a requirement that the minister prepare an annual performance report relating to the person, which shall include the results of compliance with the performance standards, including any penalties that may have been imposed on the person; and

"(f) a requirement that the annual performance report be publicly posted by the minister on at least one government of Ontario website.

"Agreements with service providers

"(9) An agreement entered into under subsection (4)(b) in which the minister authorizes a service provider to enter into agreements that authorize persons to operate vehicle inspection centres under the program shall include, at a minimum,

"(a) a requirement that the service provider prepare an annual summary of inspection data for each vehicle inspection centre operated by a person authorized by the service provider to operate a vehicle inspection centre, including the total number of vehicles that failed, passed or received a conditional pass as a result of a mandatory inspection;

"(b) a requirement that the service provider provide, on request, any document relating to the agreement with the minister, or any agreement with a person authorized by the service provider to operate a vehicle inspection centre, to a person appointed by,

"(i) the Speaker of the Assembly, the Auditor General, the Environmental Commissioner, the Financial Accountability Officer, the Information and Privacy Commissioner, the Integrity Commissioner or the Ombudsman, or

"(ii) the minister;

"(c) a description of the performance standards that shall be met by the service provider and persons authorized by the service provider to operate vehicle inspection centres;

"(d) a description of the inspection system by which the minister shall verify that the performance standards are being met;

"(e) a requirement that the minister prepare an annual performance report relating to the service provider and persons authorized by the service provider to operate vehicle inspections centres, which report shall include the results of compliance with the performance standards, including any penalties that may have been imposed on the service provider or those persons; and

"(f) a requirement that the annual performance report be publicly posted by the minister on at least one government of Ontario website.

"Posting of agreements

"(10) Every agreement that is entered into by the minister under clause (4)(a) or (b) shall be publicly posted by the minister on at least one government of Ontario website.

"Auditor General

"(11) The Auditor General may, at any time, audit any aspect of the operations of a party to any agreement referred to in subsection (8) or (9), but only in connection with those aspects of the operations that relate to the agreement."

1640

The Chair (Mr. Grant Crack): Nicely done. Thank you very much. Any further discussion? Mr. Harris.

Mr. Michael Harris: We appreciate the NDP providing that amendment. We will be supporting it. We believe that oversight is important for the success of any government program. History has shown that a lack of oversight often leads to corruption and scandal, something all too familiar with this government. This motion would ensure that there is at least some oversight over the vehicle inspection program and give the Legislature some sense of the effectiveness of the program.

Interjections.

Mr. Michael Harris: I'm not sure if you caught the last part of it, so I will repeat it: This motion would ensure that there is at least some oversight over the vehicle inspection program and give the Legislature some sense of the effectiveness of the program. I think we can think of Ornge, Drive Clean—the list really goes on and on.

The Chair (Mr. Grant Crack): Speaking of oversight, if I may have the floor, I omitted to make a judgment on this particular motion. I'm going to call it out of order, the reason being that it's outside the scope of the bill, as set out by the bill's parameters and, of course, the debate at second reading. It does contemplate oversight by a parliamentary officer, so as such it's out of the scope. I've made the ruling.

Mr. Mantha.

Mr. Michael Mantha: With all due respect, Mr. Chair, I think this is absolutely needed under this particular act, making sure that we have that safety mechanism where we do have the opportunity to question the process, making sure that there is good oversight and that it is transparent, and that people are being held accountable.

This goes directly towards the aspect of highway safety. I would urge you to let us have this discussion. I would ask this committee, wholeheartedly, let's let this move forward and let's let it move forward unanimously. I would ask for your indulgence in continuing to have the discussion and UC on it.

The Chair (Mr. Grant Crack): Mr. Mantha has requested unanimous consent to continue debate.

Interjections.

The Chair (Mr. Grant Crack): I've heard a no. My apologies for my late intervention.

PC motion number 18: Mr. Harris.

Mr. Michael Harris: It's 18.1.

The Chair (Mr. Grant Crack): Okay, so 18 is off the table. We'll move to 18.1.

Mr. Michael Harris: I move that section 100.2 of the act, as set out in section 33 of the bill, be amended by adding the following subsection:

“Annual report

“(8) The director of vehicle inspection standards shall, within 90 days of the end of a calendar year, submit to the minister an annual report on the administration of the program and the minister shall lay the report before the Legislative Assembly at the earliest opportunity.”

The Chair (Mr. Grant Crack): Further discussion? Mr. Harris.

Mr. Michael Harris: I get the intent of my colleague from the NDP's motion. That one not being able to be voted on, this one allows some sort of oversight by the members of the Legislative Assembly. Again, I think it's important, and this motion would make the director of vehicle inspection table an annual report to the Legislative Assembly within 90 days of the end of the year. Oversight is important for the success of any government program. History has shown that the lack of oversight leads to corruption and scandal. This motion would en-

sure that there is at least some oversight over the vehicle inspection program and give the Legislature some sense of the effectiveness of the program. I don't think it's too hard to ask for an annual report. Whether the minister reads it or not is up to them, but it gives the opportunity to the members of the Legislative Assembly to provide proper oversight, at least annually, through the submission of an annual report.

The Chair (Mr. Grant Crack): Ms. McGarry and then Mr. Mantha.

Mrs. Kathryn McGarry: Certainly, I appreciate the comments coming from all sides today. It's interesting: This motion would actually add red tape and costs to the program. The way that it is currently written would mean that the development of the service provider agreement will actually include consideration of reporting requirements and will establish an accountability and governance framework. I think it's already going to be included. I would be surprised if the member opposite would want to add more red tape and costs to a particular program when it's already going to be built in.

The Chair (Mr. Grant Crack): Mr. Mantha.

Mr. Michael Mantha: I'd just add to the discussions I've been having that I think any oversight on a potential project going forward is absolutely needed. Although I'm regretfully seeing that the NDP motion has not gone forward, I would support this amendment going forward because we absolutely do need oversight. I don't need to state some of the concerns that the individuals outside of this bubble actually see and the cost that it brings out to them. The minute cost that might come out of this is going to go a long way in order to save money, and I would support this amendment from my colleagues.

The Chair (Mr. Grant Crack): Mr. Harris.

Mr. Michael Harris: Just to reply to a couple of points: One, I heard the government member refer to the fact that it's already included, so that will make it even easier for them to vote in favour of this report, be it that it is included. However, they call it red tape and bureaucracy; we call it government oversight so that taxpayers get value for their money.

Time and time again we've seen, in agencies of the government—I can list a few, whether it be Ornge; eHealth, or we just heard recently about the social housing agency—the lack of oversight. An annual report to members of the Legislative Assembly creates problems if it doesn't happen.

Again, if you're saying to me that there is this already, then you should have no problem supporting this annual report. But to call oversight “red tape”—taxpayers would be disappointed.

The Chair (Mr. Grant Crack): Ms. McGarry.

Mrs. Kathryn McGarry: I just want to clarify to the member opposite that I certainly agree that oversight needs to continue. Currently, the way that we are proposing Bill 31 is that we are going to outsource the administration part of the MVIS program only. MTO continues to provide oversight and has actually built in consideration of reporting requirements and will establish

that accountability and governance framework for the sectioned-out piece. But currently, MTO does provide oversight and will continue that oversight. The standards aren't changing. It's just outsourcing the administration part of the MVIS program that we're talking about.

The Chair (Mr. Grant Crack): Mr. Harris.

Mr. Michael Harris: That sounds an awful lot like Ornge. Chris Mazza had the same ability to operate Ontario's air ambulance service with reporting mechanisms to the minister and cabinet, and look where that got us. Provide an annual report to members of the assembly and we'll all be happy.

The Chair (Mr. Grant Crack): I shall call the vote if there's no further discussion.

Mr. Jeff Yurek: Recorded vote.

The Chair (Mr. Grant Crack): We have a request for a recorded vote. That's on PC motion 18.1, a recorded vote.

Ayes

Harris, Mantha, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry, McMahon.

The Chair (Mr. Grant Crack): The motion is lost. We shall move to NDP motion 19. Mr. Mantha.

Mr. Michael Mantha: I move that subsection 100.3(1) of the Highway Traffic Act, as set out in section 33 of the bill, be amended by striking out "for any act of a vehicle inspection centre or service provider, or an employee or agent of a vehicle inspection centre or service provider" and substituting "for any act of a vehicle inspection centre, or an employee or agent of a vehicle inspection centre".

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall ask for the vote. Those in favour? Those opposed? The motion is lost.

Mr. Michael Harris: Just a point of order, Chair.

The Chair (Mr. Grant Crack): Point of order, Mr. Harris.

Mr. Michael Harris: I know we're going on to, what, 20? We're on 19 or whatever the number was. I just want the Clerk to clarify to the committee the process. If we don't get through all of the amendments today, by 6 o'clock, what happens?

The Chair (Mr. Grant Crack): We are scheduled to be meeting again on Wednesday. As such, I believe time has been set aside to deal with clause-by-clause at that particular point.

Mr. Michael Harris: That's the case? All right.

The Chair (Mr. Grant Crack): Go ahead.

The Clerk of the Committee (Ms. Sylwia Przewdzicki): If the committee doesn't complete its consideration today, then it can resume at its next meeting time, which will be Wednesday.

1650

Mr. Michael Harris: Wednesday at 4? Good enough.

The Chair (Mr. Grant Crack): There are no amendments to section 33. I shall put section 33 to a vote.

Those in favour—

Interjection.

The Chair (Mr. Grant Crack): Sorry. Was there a question, before I call?

Ms. Ann Hoggarth: We wondered if we couldn't do 33, 34 and 35, since there are no amendments.

The Chair (Mr. Grant Crack): We could potentially do that, but since we've had a lot of discussion on amendments for section 33, we'll deal with 33.

Ms. Ann Hoggarth: Oh, I see. Sorry.

Mr. Jeff Yurek: Could we have a recorded vote there?

The Chair (Mr. Grant Crack): There has been a request for a recorded vote on section 33.

Ayes

Dickson, Hoggarth, Kiwala, McGarry, McMahon.

Nays

Harris, Mantha, Yurek.

The Chair (Mr. Grant Crack): Section 33 carries.

There has been a request to bundle 34 and 35, but there is a motion on 36. So I think we'll do them one at a time, if that's preferable.

Mr. Michael Harris: Yes.

The Chair (Mr. Grant Crack): Okay. There are no amendments to section 34. Shall section 34 carry?

Those in favour—

Mr. Joe Dickson: Recorded vote.

The Chair (Mr. Grant Crack): Sorry. Did I hear a request for a recorded vote?

Mr. Joe Dickson: Yes, you did.

The Chair (Mr. Grant Crack): Okay. There has been a request for a recorded vote.

Ayes

Dickson, Hoggarth, Kiwala, McGarry, McMahon.

Nays

Harris, Mantha, Yurek.

The Chair (Mr. Grant Crack): Section 34 carries.

I apologize, Mr. Dickson. With your mild voice, I was not able to hear, so perhaps if you could just speak up a little bit.

Mr. Joe Dickson: Sorry. I was going to enter the priesthood. I have a very soft voice.

The Chair (Mr. Grant Crack): Very good.

There are no amendments to section 35. Shall section 35 carry? Those in favour? Those opposed? Section 35 carries.

Section 36: We have NDP motion 20. Mr. Mantha.

Mr. Michael Mantha: I move that subsection 100.7(1) of the Highway Traffic Act, as set out in section 36 of the bill, be amended by striking out “may make directives” at the end of the portion before clause (a) and substituting “may, with the approval of the minister, make directives”.

The Chair (Mr. Grant Crack): Further discussion?

There being no discussion, those in favour of NDP motion 20? Those opposed? The motion is lost.

Shall section 36 carry? Those in favour? Those opposed? Section 36 is carried.

Mr. Joe Dickson: Sections 37, 38, 39—

The Chair (Mr. Grant Crack): Am I getting a request to bundle 37, 38, 39?

Mr. Joe Dickson: Yes, Mr. Chair.

The Chair (Mr. Grant Crack): Okay. There are no amendments to those particular sections, so I shall call for a vote on 37, 38 and 39. Those in favour of those sections carrying? Those opposed? Sections 37, 38 and 39 are carried.

Section 40: We have NDP motion 21. Mr. Mantha.

Mr. Michael Mantha: I move that subsection 40(1) of the bill be struck out and the following substituted:

“40.(1) Subsections 140(1) and (2) of the act are repealed and the following substituted:

““Pedestrian crossover

““Duties of driver

“(1) When a pedestrian is crossing on the roadway within a pedestrian crossover, the driver of a vehicle approaching the crossover,

“(a) shall stop before entering the crossover;

“(b) shall not overtake another vehicle already stopped at the crossover; and

“(c) shall not proceed into the crossover until the pedestrian is no longer on the roadway.

“Same

“(2) When a pedestrian is at the curb or other place of safety at a pedestrian crossover and signals, by pointing with an outstretched arm or otherwise, his or her intention to cross on the roadway within the crossover, the driver of a vehicle approaching the crossover,

“(a) shall stop before entering the crossover;

“(b) shall not overtake another vehicle already stopped at the crossover; and

“(c) shall not proceed into the crossover until the pedestrian has crossed the roadway.”

The Chair (Mr. Grant Crack): Any further discussion on the motion? Ms. McGarry.

Mrs. Kathryn McGarry: Certainly, ensuring that our pedestrians are safe is a big part of Bill 31. We have heard from our road safety partners and we have heard from many in the community that road safety is number one.

One of the issues that I would have with the way the amendment is written right now is, if I was emphasizing

a point while I was talking to somebody, let's say, fairly near a crosswalk and waving my arms around, a driver could misinterpret that I'm trying to throw out an arm to cross the road when that wasn't my intention. As you're well aware, I have lots of children of my own. If I were carrying packages, a purse and my toddler across the road, I wouldn't be able to free up an arm to point out there.

But I think the main issue that I would have with this particular amendment is that it actually risks contravention of the Accessibility for Ontarians with Disabilities Act, because the language of the proposed amendment is unclear. It could be interpreted as “somebody may point out a hand anywhere.” This would create major traffic and penalty issues and confusion for drivers who would be required to stop anywhere when a pedestrian points their hand toward the road.

But also, Bill 31 is already adding a subsection that would allow the minister to make regulations for pedestrian crossing facilities to add three new types of cross-overs to increase pedestrian safety. But certainly those who would go to try and cross at a pedestrian crosswalk who were using a motorized vehicle who maybe are unable to use their arms—through a stroke, quadriplegia or whatever—wouldn't be able to actually point their finger out. That's why I wouldn't be supportive of the amendment as it's written now.

The Chair (Mr. Grant Crack): Any further discussion? There being none, I shall call the vote.

Mrs. Kathryn McGarry: Recorded.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

Ayes

Mantha.

Nays

Hoggarth, Kiwala, McGarry, McMahon.

The Chair (Mr. Grant Crack): The motion is lost.

We shall move to motion number 22. Mr. Mantha.

Mr. Michael Mantha: I move that subsection 40(3) of the bill be struck out and the following substituted:

“(3) Subsection 140(7) of the act is repealed and the following substituted:

““Offence

“(7) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$300 and not more than \$1,000.

“Same

“(7.1) Every person who contravenes subsection (2) or (3) is guilty of an offence and on conviction is liable to a fine of not less than \$150 and not more than \$500.”

The Chair (Mr. Grant Crack): Thank you very much, Mr. Mantha. This particular motion was dependent on a previous motion passing, which was not the case, so

technically it is out of order. I shall rule that, which provides you the opportunity to move number 23.

Mr. Michael Mantha: Just on that last motion: It's an NDP amendment, and it pertains directly to the safety and well-being of individuals. I want that put on the record, please.

The Chair (Mr. Grant Crack): Okay. Thank you. NDP motion number 23.

Mr. Michael Mantha: I move that subsection 40(3) of the bill be struck out and the following substituted:

“(3) Subsection 140(7) of the act is repealed and the following substituted:

““Offence

“(7) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$300 and not more than \$1,000.

““Same

“(7.1) Every person who contravenes subsection (3) is guilty of an offence and on conviction is liable to a fine of not less than \$150 and not more than \$500.””

The Chair (Mr. Grant Crack): Thank you very much. Any further discussion? There being none, I shall call for the vote.

Mrs. Kathryn McGarry: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

Ayes

Mantha.

Nays

Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated, or lost.

There are no amendments to section 40, so I shall ask: Shall section 40 carry? Those in favour?

Mrs. Kathryn McGarry: A recorded vote, please.

The Chair (Mr. Grant Crack): It's a little too late for that. If we want recorded votes, we'll have to be a little more prompt; we were already counting.

Those in favour? Those opposed? Section 40 is carried.

Mr. Michael Harris: A point of order.

The Chair (Mr. Grant Crack): A point of order, Mr. Harris.

Mr. Michael Harris: Yes, I guess we're moving on to—24 would be next?

The Chair (Mr. Grant Crack): We're at section 41 at this particular point, Mr. Harris.

Mr. Michael Harris: Yes, I was wondering if we could—I know Joe is gone now for the day. Seeing that he left, I ask the committee that we adjourn and come back on Wednesday at 2 o'clock to finish this off—or Wednesday at 4 or whatever time it is. There are just a few outstanding items, and I think it would be best if we discuss and consult and come back on Wednesday to finish this up.

The Chair (Mr. Grant Crack): Are you asking for unanimous consent to adjourn until next Wednesday?

Mr. Michael Harris: Yes. It would save me talking for an hour.

Mrs. Kathryn McGarry: Can we have a five-minute recess?

The Chair (Mr. Grant Crack): Mr. Harris, are you moving adjournment of the committee for today?

Mr. Michael Harris: Yes.

The Chair (Mr. Grant Crack): That is a dilatory motion, so we will have to have a vote on that.

Mr. Michael Harris: Sure.

Mrs. Kathryn McGarry: Could we have a recess before the vote, please, Chair? Five minutes.

The Chair (Mr. Grant Crack): Okay. There has been a request for a five-minute recess. Consensus of the committee—

Mr. Michael Harris: Can we take 10? Five is pretty quick.

Mrs. Kathryn McGarry: Ten is all right.

Mr. Michael Harris: Ten?

The Chair (Mr. Grant Crack): There is consensus? A ten-minute recess, effective immediately.

The committee recessed from 1702 to 1712.

The Chair (Mr. Grant Crack): I trust everyone is well rested. Back to order.

Mr. Harris has requested that we adjourn. He has moved adjournment of the committee for the day.

Mr. Michael Harris: Yes.

The Chair (Mr. Grant Crack): So we'll have a vote on that. I would ask: Those in favour of adjourning for the day, please raise your hands. Those opposed? The motion to adjourn is carried.

We stand adjourned till Wednesday, 4 p.m. Thank you for your work today, everyone.

The committee adjourned at 1713.

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ISSN 1180-5218

Legislative Assembly of Ontario

First Session, 41st Parliament

Assemblée législative de l'Ontario

Première session, 41^e législature

Official Report of Debates (Hansard)

Wednesday 25 March 2015

Journal des débats (Hansard)

Mercredi 25 mars 2015

Standing Committee on General Government

Transportation Statute Law
Amendment Act (Making
Ontario's Roads Safer), 2015

Comité permanent des affaires gouvernementales

Loi de 2015 modifiant des lois
en ce qui concerne
le transport (accroître la
sécurité routière en Ontario)



Chair: Grant Crack
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Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Wednesday 25 March 2015

Mercredi 25 mars 2015

*The committee met at 1607 in committee room 2.*TRANSPORTATION STATUTE LAW
AMENDMENT ACT (MAKING
ONTARIO'S ROADS SAFER), 2015
LOI DE 2015 MODIFIANT DES LOIS
EN CE QUI CONCERNE
LE TRANSPORT (ACCROÎTRE LA
SÉCURITÉ ROUTIÈRE EN ONTARIO)

Consideration of the following bill:

Bill 31, An Act to amend the Highway 407 East Act, 2012 and the Highway Traffic Act in respect of various matters and to make a consequential amendment to the Provincial Offences Act / Projet de loi 31, Loi modifiant la Loi de 2012 sur l'autoroute 407 Est et le Code de la route en ce qui concerne diverses questions et apportant une modification corrélative à la Loi sur les infractions provinciales.

The Vice-Chair (Mr. Joe Dickson): Yes, Ms. McGarry?**Mrs. Kathryn McGarry:** Thank you, Chair. I seek unanimous consent to—**The Vice-Chair (Mr. Joe Dickson):** Just give me two seconds. I wanted to say hello to everybody, but I want to make sure, as I do at any meeting, that I'm using the proper name that you would like to see used. So I could say "PC," I could say "Conservative," I can say "Progressive Conservative"—*Interjections.***Mr. Michael Mantha:** We can't hear you.**The Vice-Chair (Mr. Joe Dickson):** They're going to turn the microphone up because I'm a soft-spoken person.

Do you have any preference? What would you like?

Mr. Michael Harris: Official opposition.**The Vice-Chair (Mr. Joe Dickson):** Official opposition? Okay.**Mr. Mantha,** do you have a preference how I would call the New Democrats? "The New Democratic Party," the "NDP"?*Interjections.***Mr. Michael Mantha:** No, I'll just go with the third party or the NDP.**The Vice-Chair (Mr. Joe Dickson):** It's up to you, sir.**Mr. Michael Mantha:** Oh, it's fine. Sorry, Chair. You weren't here when we had this discussion a little bit earlier. In prior discussions, we were a little bit lighter-toned then, which we should still be now.**The Vice-Chair (Mr. Joe Dickson):** Through to the parliamentary assistant, then, for your party, ma'am? Which name would you like used?**Mrs. Kathryn McGarry:** "Government side."**The Vice-Chair (Mr. Joe Dickson):** The—**Mrs. Kathryn McGarry:** Liberal government.**The Vice-Chair (Mr. Joe Dickson):** The government side? The Liberal side? One or both?**Mrs. Kathryn McGarry:** The government.**The Vice-Chair (Mr. Joe Dickson):** The government. Thank you.

You had your hand up?

Mrs. Kathryn McGarry: I did. Thank you, Chair. I seek unanimous consent to reintroduce section 4 of Bill 31, Making Ontario's Roads Safer. There was a misunderstanding on Monday, and I ask, in the spirit of co-operation and collaboration, that we introduce this section. I think we can all agree that this is an important road safety bill. Thank you.**The Vice-Chair (Mr. Joe Dickson):** Now, she has an opportunity to read it into the—**Mr. Randy Hillier:** No.**The Vice-Chair (Mr. Joe Dickson):** Okay.**Mr. Mike Colle:** Recorded vote.**The Vice-Chair (Mr. Joe Dickson):** It has to be unanimous consent, right?*Interjection.***The Vice-Chair (Mr. Joe Dickson):** So we will call a vote. Do we have—**The Clerk of the Committee (Ms. Sylwia Przewdziecki):** No vote; unanimous consent.**Mr. Randy Hillier:** No.**The Vice-Chair (Mr. Joe Dickson):** That means it's not unanimous consent. That answers everybody's question. Clear? Okay.

The next item we have is—I believe you had indicated, sir, item—

Mr. Michael Harris: It's 24.1.**The Vice-Chair (Mr. Joe Dickson):** Yes, 24.1.**Mr. Michael Harris:** So, new section 41—**The Vice-Chair (Mr. Joe Dickson):** My apologies.**Mr. Michael Harris:** Oh, I'm sorry.

The Vice-Chair (Mr. Joe Dickson): We want to clear one little housekeeping item first. Section 41 is actually before 24.1, if that's okay? We'll just take a moment.

Mr. Michael Harris: Oh—

The Vice-Chair (Mr. Joe Dickson): Forty-one; my apologies. We seem to have a challenge with any number that has the number four in it.

Mr. Michael Harris: Hang on. I've got to flip back.

The Vice-Chair (Mr. Joe Dickson): Yes. Sorry, Michael.

Mr. Michael Harris: It's the section we're voting on, right?

The Vice-Chair (Mr. Joe Dickson): Section 41, yes. The question is, shall section 41 carry?

Mr. Michael Harris: No.

The Vice-Chair (Mr. Joe Dickson): Do I hear a no?

Mr. Michael Harris: Against.

Interjections.

The Vice-Chair (Mr. Joe Dickson): Okay. I'm just going to—sorry, MPP Baker. Did you want to comment? We're going to take the vote on this.

Interjections.

The Vice-Chair (Mr. Joe Dickson): Yes, we're having a vote. All those—

Mr. Randy Hillier: Section 41, amended.

Mr. Michael Harris: It wasn't amended.

The Vice-Chair (Mr. Joe Dickson): It was not amended. It's just—

Mr. Randy Hillier: Oh, okay.

Mr. Yvan Baker: Chair, I just want to clarify what we're voting on, just being new to the committee.

The Vice-Chair (Mr. Joe Dickson): It is section 41, and it is a vote. Those in favour?

Mr. Yvan Baker: Is the section amended or unamended?

The Vice-Chair (Mr. Joe Dickson): Sorry?

Mr. Yvan Baker: Are we voting on an amended section or an unamended section?

The Vice-Chair (Mr. Joe Dickson): There is absolutely no amendment. This is just a straight motion.

Mr. Yvan Baker: Okay. Just a clarification.

The Vice-Chair (Mr. Joe Dickson): No. I'm glad you asked. Thank you.

Section 41: Those in favour? Those opposed? Carried. Thank you.

Moving right along, sir, we go to 24.1, which is the one you mentioned. Thanks, Michael.

Mr. Michael Harris: I move that the bill be amended by adding the following section:

"41.1 The act is amended by adding the following section:

“Rules re: roundabouts

“146.2(1) In this section,

““roundabout” means an intersection with one-way circulation counter-clockwise around a central island where entering traffic must yield the right-of-way to the traffic circulating within the intersection.

“Minister”—oh, shoot. I've got to go to 24.1, don't I? Yes.

Interjections.

The Vice-Chair (Mr. Joe Dickson): I'm sorry. I—

Mr. Michael Harris: It's identical. You guys can just follow along. It doesn't matter. It's 24.1.

Mr. Mike Colle: Mr. Chairman, where are we here—

The Vice-Chair (Mr. Joe Dickson): We are on 24.1.

Mr. Michael Harris: There's no difference, right? No difference. So I'm going to continue reading. I'm going to continue reading.

Mr. Michael Mantha: Chair, a question?

The Vice-Chair (Mr. Joe Dickson): We have a question there. Yes, sir?

Mr. Michael Mantha: I thought it was clear. I had heard the Chair make the indication that we're reading 24.1.

The Vice-Chair (Mr. Joe Dickson): Yes.

Mr. Michael Harris: We are.

Mr. Michael Mantha: The error was made as you started reading 24.

Mr. Michael Harris: Yes.

Mr. Michael Mantha: So the actual motion that we're reading is 24.1.

Mr. Michael Harris: Correct. It's just PC motion 24.1, but it doesn't—there's no 24.1 in the actual amendment.

Where did I stop reading? Can anybody tell me—

The Vice-Chair (Mr. Joe Dickson): Now, can I interrupt? You have a question, ma'am?

Ms. Ann Hoggarth: Yes, I do, just a clarification for me, please. We passed section 41?

The Vice-Chair (Mr. Joe Dickson): Yes.

Ms. Ann Hoggarth: We just passed it, correct?

The Vice-Chair (Mr. Joe Dickson): Yes. That's correct.

Ms. Ann Hoggarth: So we're going back now and doing section 41.1?

The Vice-Chair (Mr. Joe Dickson): It's 24.1.

Mr. Michael Harris: Amendment.

Mr. Michael Mantha: An amendment.

Mr. Michael Harris: A new section.

Ms. Ann Hoggarth: It's a new section.

Mr. Michael Harris: Motion 41 was voted on.

Ms. Ann Hoggarth: So 41.1 is a new section?

Mr. Michael Harris: That's correct.

Ms. Ann Hoggarth: Thank you.

Mr. Michael Harris: Do you want me to read it over?

The Vice-Chair (Mr. Joe Dickson): Sure. Go ahead, Mike. Start at the beginning. Read it in.

Mr. Michael Harris: I move that the bill be amended by adding the following section:

"41.1 The act is amended by adding the following section:

“Rules re: roundabouts

“146.2(1) In this section,

““Roundabout” means an intersection with one way circulation counter-clockwise around a central island where entering traffic must yield the right-of-way to the traffic circulating within the intersection.

“Minister to establish rules

“(2) The minister may make regulations establishing rules of the road that apply to roundabouts.

“Minister to conduct study, consult with public

“(3) Before making a regulation under subsection (2), the minister shall,

“(a) conduct a study about the safe use of roundabouts; and

“(b) consult with members of the public about use of roundabouts.

“Content of study

“(4) The study referred to in clause (3)(a) shall address the following matters:

“1. Use of crosswalks.

“2. Signs and markings.

“3. Lighting.

“4. Commercial vehicles.

“5. Speed limits.

“6. Signalling.

“7. Entering and exiting roundabouts.

“8. Uniformity of road design standards, including consistency in lane width.

“9. Compliance with accessibility standards established under the Accessibility for Ontarians with Disabilities Act, 2005.

“10. Any other matter that the minister considers appropriate.”

The Vice-Chair (Mr. Joe Dickson): Thank you for that. Any debate on that?

Mr. Michael Harris: Sure. Thank you for the opportunity to speak to this important amendment to have roundabout rules written into the Highway Traffic Act. I recently debated this private member's bill in the House, and it passed with the support of all three parties. I'm happy about that. Today, getting into committee is where we can proceed with the intent of the House during second reading and move forward with this.

Over the last two years, I have made numerous attempts to bring this government's attention to the fact that with more than 40 roundabouts across Waterloo region in my area, and more being constructed in communities across the province, it's our responsibility as legislators to move forward on enhancing roundabout safety throughout Ontario. To date, this call has not been heeded, and I hope that, together, we can change that situation today.

Let me say off the top that of course I'm supportive of roundabouts. Again, with 40 in my area, I've come to understand many well-established operational benefits they can provide to traffic flow, speed and severity of collisions. That said, I've also come to understand that while roundabouts have their advantages, whether it's in my region of Waterloo, in Hamilton, Ottawa or Windsor, concerns over consistency of rules for pedestrians, cyclists and motorists continue to grow as roundabout construction increases.

Quite simply, as the Highway Traffic Act currently fails to address roundabouts whatsoever, these amendments seek to remedy that omission by both (1) defining roundabouts and (2) giving the Minister of Transporta-

tion the ability to establish clear, uniform rules throughout Ontario—specifically, if MPPs in this committee join me in the effort, the amendment that I've put forward today to include the definition of a roundabout as an intersection with one-way circulation counter-clockwise around a central island, where entering traffic must yield the right of way to the traffic circulating within the intersection.

Further, these amendments would require the minister to consult. The minister must conduct a study and consult with the public about the safe use of roundabouts, something pretty straightforward. He would then have to report; the minister is required to table a progress report every year until a regulation to address the safe use of roundabouts is made.

Then third, of course, act: Following consultation, the minister is to make regulations establishing rules of the road that apply to roundabouts. This consultation requirement would address a series of factors, including the use of crosswalks; signs and markings; lighting; commercial vehicles; speed limits; signalling; entering and exiting roundabouts; uniformity of road design standards, including consistency in lane width; and compliance with accessibility standards, something extremely important. This would not only raise awareness on how to manoeuvre through a roundabout, but increase pedestrian, cyclist and motorist safety, helping to reduce accidents across Ontario.

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As I noted off the top, it's been two years since I first introduced that PMB to enhance safety at roundabouts across the province. In fact, it's been three years since I first got to work on the concern. It was actually one of the first issues I faced as an MPP. It was early in the morning, just days before first being elected, when a 16-year-old St. Mary's High School student in Kitchener crossing the southbound lanes near the Homer Watson-Block Line Road roundabout was struck by a bus exiting the roundabout, causing serious injuries. When I looked into the matter, I was shocked to find out that not only are roundabout rules not included in the HTA, or Highway Traffic Act; they're not even defined. It's as if, legislatively, roundabouts don't even exist. So that's why, through this amendment, we are clearly defining what a roundabout is.

I think it's important also to note that that definition comes from the transport—it's an organization that consistently agrees with what a roundabout actually is. Since then, every day, I've actually used many tools at my disposal, like petitions, letters, meetings and, of course, recently the PMB, to get the government's attention and have this clear safety concern addressed in the act. That's why we've moved these amendments today.

To bolster the work and to follow up on a major effort the region of Waterloo has already undertaken to educate all members of the public on roundabouts, I also call on the government to require new drivers to take a roundabout road test for the G1 and G2 licence to prove they're actually able to navigate traffic circles in the province.

Time and time again, I've met with ministerial rejection, and I do have a letter that I'll likely read in later on with regard to this. It's obviously a bit of a head-scratcher; it's a clear issue of safety. There are no partisan politics here, and there's a relatively easy fix. Yet, it's a fix that, for some reason, the government has so far refused to endorse. I'm hoping today the members opposite, be it that we just debated this bill in the House, will proceed with these important road safety amendments.

It was first Minister Chiarelli responding that he would not add roundabouts to driver exams in communities with roundabouts. Then, there was the bizarre characterization from Glen Murray that he wasn't interested in smaller issues like roundabouts and that I was disconnected from the real issues. I remind the members here today that there are 42 roundabouts of varying size in Waterloo region. That's up 17 circles to be added by 2016; more than 20 in Ottawa. I'm not sure if we have any Ottawa members here today. Last Monday, we did. So Ottawa has a lot of them as well, and easily more than 100 across the province and municipalities. I believe the province, in fact, has almost nine roundabouts throughout the province, and likely more to come. So there's no doubt this is a real, and not a small, issue.

That's not just me saying it. I want to read into the record folks that endorse these particular road safety amendments.

Take Brian Patterson of the Ontario Safety League. He noted that "by implementing this bill we will increase safety, expand public education and reduce crashes in the community."

Doug Switzer, the president and CEO of the Ontario Motor Coach Association, indicates, "With the increasing use of roundabouts by municipalities it's imperative that the MTO establish standards for their safe design and construction."

The CAA of South Central Ontario tells us, "The Safe Roundabouts Act ... is designed to make roundabout intersections safer for all road users. CAA is pleased to support" this "initiative in making Ontario's roads safer."

Recently, at a meeting of the Waterloo region council, the region passed a motion, and I think it's important to read into the record that motion by Waterloo regional council. They go on to say here:

"Whereas there is an increase in the building of roundabouts by the province and municipalities across Ontario; and

"Whereas the Safe Roundabouts Act, 2015"—the Bill 65 that I initially debated—"is scheduled for debate in the Ontario Legislature;

"Therefore be it resolved that the regional municipality of Waterloo endorse the principles proposed in Bill 65, the Safe Roundabouts Act, 2015, and request the province of Ontario to review and amend the Highway Traffic Act to clarify legislation and/or regulations relating to roundabouts in order to enhance public safety, driver awareness and education, and enforcement mechanisms." Those are clearly outlined in the amendments that I've proposed today.

Of course, several weeks ago, I was joined in Kitchen-er at one of the largest roundabouts, Homer Watson and Block Line, by the CAA and by Waterloo Regional Police Service Chief Bryan Larkin, who supported my efforts to ensure the safety enhancements within the Safe Roundabouts Act, also proposed as amendments to Bill 31.

Bottom line: This is not any small issue. This is not a solitary community issue. This isn't blue, orange or red; it's just simply smart policy, based on road safety. Yet, much as the previous Ministers of Transportation chose to ignore my calls and tie on the blinders, my renewed efforts to get the attention of the current minister in letter, at committee, and in the weeks leading up to the debate in the House and today in committee have been met with, really, a similar lack of urgency.

He tells us that the HTA already covers the actions a driver must take in a roundabout. I want to draw to the committee's attention that the word "roundabout" is never actually mentioned once in the existing legislation or the HTA. In the meantime, the silence of the Highway Traffic Act gives way to differing interpretations, with the provincial government and municipalities calling for different practices for signalling and yielding to pedestrians. That's why I've outlined the points in this amendment.

I'll give you an example. Right now, we have a situation in the region of Waterloo where the Ministry of Transportation tells drivers to "slow down and watch for pedestrians," whereas the region says, "Pedestrians go first. When entering or exiting the roundabout, drivers should yield the crosswalk to pedestrians." It's the same for signalling. While both the region and the province agree that drivers should signal right when exiting a roundabout, the region directs drivers planning a left turn, driving all or most of the way around the circle, to signal left, while the province is mute on left signalling. That's, again, why one of the points that we've added in here is item 6, signalling.

Over in Ottawa, they're going through the same discussions and confusions. In fact, Ottawa's manager of traffic management, Greg Kent, has expressed his frustration with the city's inability to give pedestrians the right of way at roundabouts under provincial law. He, too, has highlighted the fact that the act doesn't define roundabouts yet, and he, too, has called for the Ministry of Transportation to update the law, something that I encourage the government members today to do. They have the opportunity right here and now to proceed with that.

Without the guidance of one provincial law for all, the road is open for different areas to establish varying directions, leaving both drivers and pedestrians unsure as to how they are expected to navigate a roundabout. A motorist who follows the local rules, say, in Waterloo region, may not necessarily be heeding the protocols of other areas.

It's a problem across the board. In my years working on this issue, I've met with motorists of all types. Whether it's truck, bus or automobiles, the only consist-

ency when it comes to roundabouts is the consistent concern for the lack of consistency. Hopefully Hansard picked that one up.

Truckers and other large vehicle operators I've spoken to, for instance, are faced with different challenges as they enter different municipalities across the province: varied lane widths, multiple lanes, varying locations for pedestrian crossings and conflicting rules for right of way. A little consistency would go a long way in enhancing safety right across Ontario. That's why, again, I've listed signs and markings, how commercial vehicles would deal with roundabouts, speed limits etc.

The fact that there's a lack of any mention whatsoever in the HTA leaves everyone—motorists, truckers, bus drivers, pedestrians and cyclists alike—with questions. When can I enter? How do I exit? Where do pedestrians cross? And ultimately, who has the right of way? The answers we've received to date, even offered up recently by the current minister, amount to little more than updated drivers' handbooks and a ministry website page with frequently asked questions, a brochure and video.

The province can update the traffic manuals, drivers' handbooks and websites all they want, but the fact is, without established rules under the HTA, the guidelines provide little in the way of enforceable, concrete direction. Just one look at the ministry website page on roundabouts underlines both the lack of and the need for rules and consistency. In fact, the varied questions on the FAQ page speak to the absent clarity we are seeking today: What is a roundabout? Are roundabouts safe for pedestrians? Are roundabouts safe for the visually impaired—another important section that I have as item number 9, to comply with accessibility standards established under the Accessibility for Ontarians with Disabilities Act, 2005. Are roundabouts safe for cyclists? I know we had the member for Burlington here on Monday, who is an advocate for cyclists. Can older drivers adjust to roundabouts? Can a roundabout accommodate large trucks and farm equipment?

All valid questions listed on the government website, given the lack of consistent rules. All the questions whose answers would be better understood, if only we could move forward on the steps called for here in the amendments I propose today.

It also bears noting that, while the FAQ page for roundabouts is filled with a lengthy list of queries, there is actually no FAQ page for more traditional intersections—no questions as to safety, no questions as to definition. That's because, if you check the HTA and search the word "intersection," you will find it 66 times—again, not one mention of roundabouts.

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The HTA defines "intersection" as "the area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of two or more highways that join one another at an angle, whether or not one highway crosses the other." So there it is, right in the HTA. It's well past time that roundabouts were defined as well. I know that several of the

sections are actually just clarifying definitions, including pedestrian crossovers. So I don't see why we can't include a definition of a roundabout.

Again, without any action we run the risk of further questions, further confusion and further preventable accidents. I think it's important to note that the media has picked up on this as well. In fact, the Waterloo Region Record's Jeff Outhit reported recently the region's 17 busiest roundabouts have shown a doubling of collisions and injuries over five years, with increased accidents beginning to undermine safety benefits.

Mr. Outhit rightly points out that injury-causing collisions in my area are now almost as common at circles as at traffic signals. If the need wasn't blatantly obvious before, surely Mr. Outhit's findings speak to that obvious need to address the roundabout rules in Waterloo region and throughout the province.

For committee members' interest, roundabouts in Ontario are a reality. They're here to stay. The need for rules is obvious and the fix is easy and easily supportable by representatives of all stripes, which in fact just recently occurred in the House. I do look forward to it continuing today in committee. I think we can take a stand together—a united stand—for enhanced road safety that will result in the passage of this important amendment. As Mr. Outhit first put it when I first introduced the legislation for roundabout safety, "It's time to end the runaround on roundabouts." Let's rewrite the law.

It was just recently in the Record, dated Saturday March 7:

"Ontario Needs Roundabout Law.

"Ontario motorists and pedestrians are nearer—and yet still too far—from a new roundabout law that would make them and the province's roadways safer.

"This week, Kitchener-Conestoga MPP Michael Harris's eminently sensible Safe Roundabouts Act passed second reading in the provincial Legislature, thanks in part to the generous support from Kitchener-Waterloo MPP Catherine Fife"—I'm not sure if you were there to vote; it says you were.

But, anyway, "But this is a private member's bill—most often a short-lived creature that doesn't survive to third reading. The Liberal government enjoys a majority, which gives it the power of life or death over the bill. At the moment, it's thumbs down from the Liberals. They oppose the legislation. And that opposition includes both current transportation minister Steven Del Duca and his predecessor, Glen Murray. Harris won a little battle this week. The odds of his winning the war are slim.

"But the defeat of Harris's Safe Roundabouts Act would be a loss for this province. Ontarians need this law because more roundabouts are being built in more communities each year. Ontarians need the law because the Highway Traffic Act, the definitive piece of legislation governing our roads"—which we're discussing today—"and highways, makes no mention whatsoever of roundabouts. Ontarians need the law because the rules that the provincial government says apply differ from the rules in some municipalities.

"In Waterloo region, which has 42 roundabouts now and will have up to 17 more by next year, the regional government's signs tell drivers to yield"—

Mr. Mike Colle: On a point of order, Mr. Chair: I just wonder, are we not charged with Bill 31 and not this private member's bill that the member is speaking to? Could the Chair rule on that? I thought we were talking about eliminating drugged driving and distracted driving—the four private members' bills that are incorporated already in this bill—paved shoulders—

The Vice-Chair (Mr. Joe Dickson): Thank you for the—

Mr. Mike Colle: No; again, he's talking about his private member's bill, but this is not the place to talk about his private member's bill. He has to go through the proper process.

Mr. Michael Harris: We're talking about an amendment.

The Vice-Chair (Mr. Joe Dickson): He's talking about—

Mr. Mike Colle: I have the floor. So I think we're dealing with Bill 31 and not with his private member's bill. As good as it might be, this is not the place for a private member's bill discussion. I think you better have a discussion with the Clerk to see if we are not to be seized with discussing Bill 31 and not his private member's bill.

The Vice-Chair (Mr. Joe Dickson): Thank you for the question, Mr. Colle. I think what you'll see there, under this section 41.1 on page 24.1, is that what he's actually doing is referencing his private member's bill, PMB, for what he's dealing with now on the amendment. We've allowed 20 minutes and we're relatively close now—

Mr. Michael Harris: No.

The Vice-Chair (Mr. Joe Dickson): For 20 minutes? I'm just going to ask you to be in abeyance for a moment. I'm going to go around the table.

I know, Ms. McGarry, you had your hand up ahead of—

Mr. Michael Harris: I do want to finish. Do I get a new 20 minutes now?

The Vice-Chair (Mr. Joe Dickson): No.

Mr. Michael Harris: I still get to do 20 minutes.

Mr. Randy Hillier: He does have 20 minutes to speak. Is he—

The Vice-Chair (Mr. Joe Dickson): I generously gave him 20 minutes. I thought that's what's been done in the past—

Mr. Michael Harris: I have not used—

Mr. Randy Hillier: No, no, that's in the standing orders to have 20 minutes—

The Vice-Chair (Mr. Joe Dickson): Sorry?

Mr. Randy Hillier: It's in the standing orders: 20 minutes uninterrupted.

The Vice-Chair (Mr. Joe Dickson): That's what he got.

Mr. Randy Hillier: It's in the standing orders.

Mr. Michael Harris: Point of order here: I did not get 20 minutes.

The Vice-Chair (Mr. Joe Dickson): Excuse me. How is your time?

Interjection.

Mr. Randy Hillier: Twenty.

Interjection.

Mr. Randy Hillier: No, 20 minutes.

Mr. Michael Harris: Hey, Mike, thanks for the extra 20.

The Vice-Chair (Mr. Joe Dickson): Okay. You're pretty close.

Mr. Michael Harris: But uninterrupted.

The Vice-Chair (Mr. Joe Dickson): No. Wait a minute. I'm here. I'm the one that's talking.

You're about three and a half minutes shy. What I'd like to do is extend those three and a half minutes to you now, and then I will answer the point of order and then I will go around the table, except if a woman advises me otherwise.

We have to deal with a point of order immediately, and I did deal with it.

Mr. Michael Harris: Yes.

The Vice-Chair (Mr. Joe Dickson): That's why it's back to you and then it's going across the floor, Michael.

Mr. Mike Colle: Have we dealt with the point of order or do we wait for the Clerk to make a ruling on it?

Mr. Randy Hillier: The Chair makes a ruling.

The Vice-Chair (Mr. Joe Dickson): I thought the Chair did make a ruling on it.

Mr. Randy Hillier: You did.

Mr. Mike Colle: What was your ruling? That he can talk about a private member's bill here during Bill 31?

The Vice-Chair (Mr. Joe Dickson): He was referencing that as part of—he was really talking on—do you want me to read the whole thing?

Mr. Mike Colle: Yes.

The Vice-Chair (Mr. Joe Dickson): Michael, you're going to take more time, if that's your wish.

I'll read this, if it's in order. According to Erskine May, "where a bill has several purposes, amendments directed to objects not specifically covered by the bill but broadly germane to its subject matter may be found within its scope." That's 564, and that's within the scope, in my opinion.

Mr. Michael Harris: All right. I'll finish up with the remainder of the time for this round, I suppose.

In our region, "which has 42 roundabouts now and will have up to 17 more by next year, the regional government's signs tell drivers to yield to pedestrians at the curbside. Ontario law doesn't require this. What should drivers do? Pedestrians have been hit by vehicles and seriously hurt in this region. A clear, consistent rule could prevent similar mishaps and even save lives."

That's what we're discussing today with regard to this amendment.

"This region also instructs drivers to signal left when turning left at a roundabout. Provincial law is silent on the matter. Again, what should drivers do? When people

from other communities where there are no roundabouts come here, how do they know how to navigate a circular intersection without traffic lights? Do we want confusion and chaos on our roadways?

“The governing Liberals insist the updated driver handbook tells people what to do in roundabouts. But that approach isn’t working in Waterloo region, where more problems are happening in roundabouts, not fewer. A Record traffic analysis of this region’s 17 busiest roundabouts discovered that between 2009 and 2013 collisions and injuries doubled. In 2014, a motorcyclist lost control and died in a local roundabout.

“This is not a partisan issue. It is a matter of common sense. This week Catherine Fife, a New Democrat, spoke eloquently in support of Progressive Conservative Harris’ initiative. Good for her. Waterloo Regional Police, the regional government, the Canadian Automobile Association and the Ontario Safety League back” this bill too.

“We hope our two local Liberal MPPs—Kitchener Centre’s Daiene Vernile and Cambridge’s Kathryn McGarry, parliamentary assistant to the transport minister—can represent this region’s perspective to the government. And get action with a new law.”

I will also say that I got this report on roundabout rules for the road—and this is TAC, Traffic Operations and Management Standing Committee. These are the folks who actually clearly define what a roundabout is.

Ms. Ann Hoggarth: Is that from the States?

Mr. Michael Harris: So it is. That’s why we’ve moved, in this amendment, a clear definition actually using a consistent language on defining what a roundabout is. So that’s why it’s included.

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Again, police and the CAA support these important amendments to enhance road safety. I think it’s important to note that recently there has been a lot of discussion on this. It was passed in the Legislature by all three parties. The amendment sits before members of the committee. We’re talking about road safety. It’s an important matter in Waterloo region and across the province, and I encourage all members of the committee today to pass this amendment, as they did in the House several weeks ago.

I know there are others who want to speak to this amendment, so I’ll give them some time.

The Vice-Chair (Mr. Joe Dickson): All clear, Michael?

Mr. Michael Harris: For now.

The Vice-Chair (Mr. Joe Dickson): Thank you. We did allow an extra half-minute because of the interruption there. Thank you.

Ms. McGarry did have her hand up. I have you up next.

Mr. Randy Hillier: Chair, I’ll speak as well.

The Vice-Chair (Mr. Joe Dickson): We have to go around. Ms. McGarry.

Mrs. Kathryn McGarry: Thank you, Chair. I think that those of us around the table are all proud that Ontario’s roads continue to be amongst the safest in North

America, but there is always more that we can do to make them safer, which is really the spirit behind Bill 31. It has a lot of amendments to address road safety.

I do appreciate Mr. Harris’s concern to make sure that safety is paramount and the work that he has done on the roundabout issue. I just might remind the member that I spoke to his private member’s bill for 10 minutes during the debate and supported the principle behind bringing this bill in to pass second reading.

There are a number of different things. Certainly, I also live in Waterloo region. We are the roundabout capital of Ontario, I often quip. Certainly there are a lot of issues that the member has raised that I wanted to address.

First and foremost, the Highway Traffic Act references the type of traffic control devices used at intersections, such as stop signs, yield signs or traffic signals, rather than the specific type of intersection, such as T intersections, Y intersections, cross intersections and roundabouts. Drivers follow traffic rules based on the intersection’s traffic control. Roundabouts are controlled by yield signs, which means they’re already covered under the Highway Traffic Act’s definition of an intersection.

There is a section on how to safely drive through roundabouts, and it appears in the official Driver’s Handbook as an essential part of public education on roundabouts.

I have mentioned in the House that my 21-year-old son has just completed his driver’s education. As of yesterday, for his driver’s exam, he drove through a roundabout and passed his G2. While he was practising, leading up to his exam yesterday, not once did the driving instructor have to instruct him on how to approach a roundabout, how to negotiate through it, how to read the traffic signals or how to safely navigate through it. He had learned online. He had learned in the Driver’s Handbook, and passed his G2. So look out Waterloo region, there’s an extra driver now on the road.

In saying that, though, the key piece is really drivers’ education. We have certainly heard from our road safety partners through public consultation that there can be a lack of education amongst those who are facing roundabouts for the first time, and that’s where we have had some assistance from our road safety partners such as CAA and other organizations in recognizing that laws aren’t enough. Public education on how to safely navigate these intersections are key, and they continue on.

In terms of the design of roundabouts, policies and guidelines for the design of the roundabouts on provincial highways are available in the MTO roundabout resources document. Municipalities considering roundabouts on their roadways may reference this document in order to design their own in their municipality.

I wanted to just quickly address Waterloo region. Waterloo region, during their council meeting that the member referenced, as I understand it, didn’t necessarily support Harris’s private member’s Bill 65, but instead

passed their own recommendation that urges the ministry to look at roundabouts. They want the signage to be clear and consistent and they want to “endorse the principles proposed in Bill 65 and ask government to enact appropriate legislation.” They acknowledge that whatever rules the province brings in, the region will have to adhere to.

In saying that, certainly that’s why I think Bill 65 did pass in second reading to take a second look, but at this time, it’s imperative that we get Bill 31 passed and that we continue to look at issues regarding roundabouts.

I did want to say, though: On the municipalities’ viewpoint, Waterloo region council last night passed a motion on their own, with no MPPs there, that the regional municipality of Waterloo request the province of Ontario to pass Bill 31, the Transportation Statute Law Amendment Act (Making Ontario’s Road Safer), 2015, to require defaulted Provincial Offences Act fines to be paid prior to the renewal of vehicle licence plates and that the regional municipality of Waterloo requests the province of Ontario to immediately begin to make the necessary improvements to its database systems and information-sharing process to effectively support the implementation of Bill 31. They and many other municipalities across Ontario are asking us to pass Bill 31 as quickly as possible and to get that forward into legislation.

The Vice-Chair (Mr. Joe Dickson): I will go to Mr. Mantha of the third party.

Mr. Michael Mantha: Thank you, Chair. Basically, passing this bill as quickly as possible—if I had my way, we would already have been discussing the next stage and we would have been done with this on Tuesday.

I do want to commend the member from Kitchener, who put in quite a bit of work bringing in his private member’s bill and his amendment. It just shows that if you put your mind to something and you work in a non-partisan way, you can actually do some great work. I enjoyed all of the discussion during his presentation during the debate we had on his private member’s bill.

This is a non-partisan issue. If there is absolutely a way that we can amend this to make this safer—again, keeping in mind that this will make our highways safer and it is going to provide us an avenue to provide the proper education to individuals.

I’m glad to hear that your son passed his G2—

Mrs. Kathryn McGarry: So were we.

Mr. Michael Mantha: Thanks for the warning. I’ll stay up north. No, no; I’m kidding.

This is something that we can all work on. Again, it goes out to making this bill that much better. I don’t think this is reaching too far. Again, recognizing the work and the dedication that the member put into this, I think we should be supporting this. I would hope to see everybody supporting this when we have the opportunity to show our support for it.

Again, I want to congratulate the member. Let’s move on.

The Vice-Chair (Mr. Joe Dickson): What I’ll do now is go to Mr. Hillier, who had a request to speak. I think what everyone knows is that we’re looking for new

information pertaining to the bill. I think Mr. Harris did that.

Mr. Randy Hillier: Thank you, Chair. Just a few comments in response to what I’ve heard from the parliamentary assistant regarding this amendment and on what my colleague from Kitchener–Conestoga mentioned in his remarks.

We know that a number of municipalities have put forth good, sensible arguments on why they would like to see roundabouts studied and improvements made to the Highway Traffic Act after that study. Indeed, the parliamentary assistant did mention that in her remarks: that Waterloo has adopted a resolution that calls for essentially what this amendment is.

The meat and the content and the substance of this amendment put an onus and an obligation on the minister to study roundabouts and put those 10 different points of what the study will encapsulate or capture, so it’s very consistent with the remarks and the comments from municipalities around the province.

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It also doesn’t put an obligation on the ministry to actually do anything other than to study and to consult. I know that that is the hallmark of a democracy: to consult and to study before you act. I’m very pleased to support Mr. Harris’s amendment.

I guess I’ll just finish off by stating the obvious. I know that when Bill 65 was being debated under private members’ business, the parliamentary assistant spoke in favour of this consultation process and this study process. But then I was somewhat confused because, during her comments back about the amendment, many points were raised about how this was not necessary. It’s either important, invaluable, justified and reasonable to consult and to study—and we now have this opportunity to include this amendment in this bill, put an obligation upon the ministry to consult and study, but no other obligation, so it doesn’t detract from the bill in any fashion; it just enhances the bill without putting any further statutory obligations forward.

The benefit of that would be: Bill 65 would then not have to be dealt with in committee. It would just be dealt with here in this amendment and the process would be expedited and more efficient.

It’s a pleasure to support this amendment.

The Vice-Chair (Mr. Joe Dickson): Thank you, Mr. Hillier. I have a request from PA McGarry.

Mrs. Kathryn McGarry: Thank you, Chair. Thank you for your thoughtful comments. You’re right on the money there. It does take more consultation. It’s going to take more study and a harder look at some of the issues that have been brought forward, not only in Mr. Harris’s bill but during the debate that we had in the House after that.

What worries me is the timing. In order to be able to investigate, look at, and properly consult about what’s needed, it will delay the passage of this bill. We have the municipalities wanting to ensure that this bill goes forward. So as I said at the beginning of my comments, it’s not the right vehicle at this time.

I actually do look forward to continuing work, now that the member's bill has gone into second reading and gone into committee. I will look forward to further consultation, and we have been having those conversations. My point is that it's not the right vehicle at this time. Without further consultations that would hold up the bill, I think we should move forward to a vote and then continue this debate and this fine work further in committee.

The Vice-Chair (Mr. Joe Dickson): Mr. Harris?

Mr. Michael Harris: Yes, obviously just to respond, the parliamentary assistant is clearly reaching for any and every excuse not to proceed, putting partisanship ahead of partnership, unfortunately. She is absolutely false to suggest that this amendment would slow the passage of Bill 31 down. I want to make sure that's clear for everyone, including the members of the government and the parliamentary assistant: There is absolutely no mechanism in this amendment that would slow down the passage of the bill whatsoever. This is simply an amendment that would ask the minister to start a consultation. It does not set any timelines for completion; it doesn't set a timeline to start. He doesn't even have to do it. He would just have to report back to the House every year as to why he hasn't. So you're absolutely false in your comments to suggest that this amendment would in any way slow the passage down. The only way it will slow the passage of the bill down is if you continue to bring far-reaching excuses as to why this isn't the proper time.

Mr. Mike Colle: On a point of order, Mr. Chair: Can we call the vote on this?

The Chair (Mr. Joe Dickson): I'm about to do that, Mr. Colle.

Mr. Mike Colle: Huh?

The Chair (Mr. Joe Dickson): I'm about to do that, Mr. Colle.

Mr. Mike Colle: Call the question?

The Chair (Mr. Joe Dickson): Thank you for trying to expedite the meeting. He's asking a question, and I think we'll—

Mr. Michael Harris: I think it's fair that I have an opportunity to respond to the misguided advice that she is getting from staff perhaps on this one and reading, again, talking points that don't even address the actual amendment. You know what? I encourage the members to properly read these amendments. It's very clear. We're simply asking for a study on the different items surrounding roundabouts—there are no deadlines and no timelines—and then make regulations that can be done at any time.

So I just want to make that you're well aware: that you said that comment and it's absolutely false.

The Chair (Mr. Joe Dickson): Thank you, sir. As to your point of order, I'm going to Mr. Hillier and then I'll be asking the question, "Are we ready to vote?"

You had a question, sir?

Mr. Randy Hillier: Yes. I would just like to have the parliamentary assistant explain. The comment was that this amendment would delay the passage of the bill. I would like to hear how. What are the mechanics here?

What exactly would this amendment do to slow down the passage of the bill?

The Chair (Mr. Joe Dickson): Ms. McGarry, did you want to respond to that in 60 seconds or less?

Mrs. Kathryn McGarry: I've said all I needed to in my previous debate, thank you.

Mr. Randy Hillier: So, am I to take that it will not delay the passage of the bill?

Mrs. Kathryn McGarry: I said all I needed to in my previous comments, thank you.

Ms. Ann Hoggarth: On a point of order, Chair, sorry: Did someone not ask to take the vote?

Mr. Michael Harris: We're not done.

Mr. Randy Hillier: As long as there's discussion—

The Chair (Mr. Joe Dickson): I gave explicit instruction on what I'm going to do, but thank you for bringing it to my attention.

Mr. Michael Harris: Just one comment, Chair?

The Chair (Mr. Joe Dickson): Just one moment, please.

Interjection.

The Chair (Mr. Joe Dickson): Mr. Hillier, the floor is yours.

Mr. Randy Hillier: I've completed my—

The Chair (Mr. Joe Dickson): You've completed yours?

Mr. Randy Hillier: Yes.

The Chair (Mr. Joe Dickson): Okay—

Mr. Randy Hillier: I will just say that when it comes for a vote I would like a recorded vote.

The Chair (Mr. Joe Dickson): Absolutely, sir. Mr. Harris, did you have further—

Mr. Michael Harris: Yes, just to clarify, I guess. As per my colleague Mr. Hillier's question to the parliamentary assistant, do you stand by your comments that you made, or will you retract the comment that this in fact will slow the passage of the bill? Which one is it? Do you stand by your words that this is the case or do you retract what you said?

The Chair (Mr. Joe Dickson): I'll have to object at this time. She made it quite clear that she's standing on what she said previously. With that in mind, are we ready to vote? Is there anyone not ready to vote? We'll call the question. We've been asked for a recorded vote.

Ayes

Harris, Hillier, Mantha.

Nays

Anderson, Baker, Colle, Hoggarth, McGarry.

The Chair (Mr. Joe Dickson): The motion is lost. The next item is section 42, page 25. We should have that.

Interjection.

The Chair (Mr. Joe Dickson): Could I have clarification? There are two of them listed. One of them has the amendment—

Mr. Michael Harris: It's 25.1.

The Chair (Mr. Joe Dickson): It's 25.1?

Mr. Michael Harris: It's 25.1.

The Chair (Mr. Joe Dickson): Okay, thank you.

Mr. Michael Harris: I move that section 42 of the bill be amended by adding the following subsection:

“(0.1) Subsection 147(1) of the act is repealed and the following substituted:

“Slow vehicles to travel on right side

1700

“(1) Any vehicle travelling on a roadway shall, where practicable, be driven in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway if,

“(a) the vehicle is travelling at 10 kilometres per hour or more below the applicable maximum speed limit; or

“(b) where existing traffic, road or weather conditions reasonably require a speed below that of the applicable maximum speed limit, the vehicle is travelling at less than the normal speed of traffic for these conditions.”

The Vice-Chair (Mr. Joe Dickson): Mr. Harris, do you wish to speak to that?

Mr. Michael Harris: Yes, I do. This is better known as left-lane hogs. We all know, especially in the GTA, about gridlock on significant highways, 400-series highways. We have folks who want to continue to drive in the passing lane at a slower speed than that at which traffic flows, therefore making it a substantial road safety issue. Oftentimes drivers have to then pull out and pass, making it an extremely dangerous situation.

In fact, the BC government has moved to bring forward legislation similar to this amendment to actually provide some clarity but give the act some teeth. I'll just read into the record why they're doing so:

“Province to Introduce Legislation Giving Police More Power to Ticket Drivers Who Don't Move Over.

“The BC government is planning a crackdown this spring on drivers who hog the left lane, preventing other vehicles from passing.

“Transportation minister Todd Stone said Monday he plans legislation to give more power to police to ticket drivers who aren't using the lane to pass.

“Drivers who clog up the fast lane aren't just a nuisance, said Stone. They also cause some serious problems on the road.

“Whether it's ICBC, collision information or RCMP traffic reports, failure to keep right except to pass is a cause of many collisions across British Columbia,” he said.” That, of course, could be easily translatable here in Ontario.

“Stone said police already ticket drivers who don't move into the right lane to let other drivers pass, but those tickets are often overturned in court.

“The way that the legislation is currently written, it does not provide them with the tools that give them the

high degree of confidence that actually pulling someone over and giving them the ticket will stand up in court.”

I think, again, this is very similar in Ontario. The act doesn't provide clarity and doesn't give law enforcement the teeth it needs so that when and if they do lay a charge in court, the ticket will actually hold up.

We know that our courts are already clogged as it is. This would allow police to lay a charge. A likely conviction would take place if this amendment is passed. So that's the justification, perhaps, for that—better known as left-lane hogs.

Mr. John Yakabuski: Makes sense to me.

The Vice-Chair (Mr. Joe Dickson): Thank you, Mr. Harris. Mr. Mantha?

Mr. Michael Mantha: I just wanted to ask the Chair that if anybody has got their phone on, could you ask them maybe to put it on silent instead of vibrate? I'm getting some feedback. It would just be a courtesy to everybody around the table.

Mr. Mike Colle: What's happening?

Mr. Michael Harris: Exactly.

Mr. Michael Mantha: Somebody's phone is vibrating while we're talking, and it just interrupts the flow. I'm just asking that everybody put their phones on silent. It's just respectful.

Mr. Mike Colle: Yeah, turn your phones off, Joe.

The Vice-Chair (Mr. Joe Dickson): I can't. The Sergeant-at-Arms took them this morning.

Mr. Mantha?

Mr. Michael Mantha: No, that's all I wanted to say.

The Vice-Chair (Mr. Joe Dickson): Thank you very much. I appreciate it, sir. Ms. McGarry?

Mrs. Kathryn McGarry: Thank you, Chair. Mine is on silent, just for the record.

I appreciate the member's comments about this section, but this section of the act was actually not open for the purposes of this bill, so it's a redundant provision. The Highway Traffic Act already requires that all drivers travelling at less than the listed speed of traffic should drive in the right-hand lane. The motion applies to all vehicles, not just motor vehicles, which poses problems for vehicles like farm tractors, horses and buggies, and bicycles, which operate below the speed limit.

Just to play devil's advocate, why just 10 kilometres per hour? It's arbitrary. We would need further consultation with municipalities and road safety partners. So at this time, because this section of the act wasn't open, I would vote against it.

The Vice-Chair (Mr. Joe Dickson): Mr. Hillier.

Mr. Randy Hillier: I think those comments really justify what this amendment is all about. Right now in the Highway Traffic Act, there's a ticket possible—or should be ticketed—if they are travelling below the speed of other traffic. But that is one of those subjective elements. This amendment adds clarity and a concise element to the law. The law is always more effective and more practical when it is clearly understood and when it is not subjective.

I'll be supporting this amendment. I think it's a reasonable and thoughtful amendment. It tells people, "If you're doing 90 kilometres on the 401 in the left lane, that's wrong." That's pretty simple to understand.

I don't see how we would not want to ensure greater clarity in our law and have it easily understood by drivers not only what is expected but what is an offence and what is not an offence and not allow it to just be determined in a subjective manner.

The Vice-Chair (Mr. Joe Dickson): Yes, Ms. McGarry.

Mrs. Kathryn McGarry: Sorry; I just wanted to say that I appreciate the spirit behind this amendment, but again, we already have provisions to address this issue.

The Vice-Chair (Mr. Joe Dickson): Mr. Harris.

Mr. Michael Harris: Again, to be clear, yes, you do, but it doesn't provide the clarity, the specifics, that are needed for a conviction. That's why we're bringing this amendment forward. We wouldn't be bringing it forward if we already had it. This is a new amendment that says specifically that if the vehicle is travelling at 10 kilometres per hour or more below the maximum speed limit—

Interjection.

Mr. Michael Harris: No, we don't. We're putting it in to set a target, a 10-kilometre target. If you're travelling at 10 kilometres per hour or more below, you're going to get a ticket. That allows the authorities, the police, to not be subjective. How, when they go to court, can they say, "The traffic was flowing at this, but I don't know what speed the traffic was flowing. I don't know how fast the vehicle was flowing"? With this, if he's caught on a radar gun and he's travelling 10 kilometres below the speed limit, he's going to get a ticket, and it's likely going to follow through in court. Now we're just wasting our time in courts issuing tickets because they're so subjective.

Again, you're wrong, and that's why we're adding this amendment.

The Vice-Chair (Mr. Joe Dickson): Thank you. I just need clarification on one point.

Interjection.

The Vice-Chair (Mr. Joe Dickson): I have a member of provincial Parliament with her hand in the air.

Ms. Ann Hoggarth: You do. Point of order: Can we vote, please?

The Vice-Chair (Mr. Joe Dickson): If you would just bear with me, I asked for clarification. I've taken that. The question now is: Are we ready to vote? We are.

Mr. Michael Harris: A recorded vote, please.

The Vice-Chair (Mr. Joe Dickson): A recorded vote has been requested.

Ayes

Harris, Hillier, Mantha.

Nays

Anderson, Baker, Colle, Hoggarth, McGarry.

The Vice-Chair (Mr. Joe Dickson): The amendment was defeated.

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According to my records, we will now go to section 43.

Interjection.

The Vice-Chair (Mr. Joe Dickson): Just on a triple technicality, shall section 42 carry? It was a recorded vote.

Interjections.

The Vice-Chair (Mr. Joe Dickson): Discussion? Shall the section carry? Carried.

Mr. Michael Mantha: Chair?

The Vice-Chair (Mr. Joe Dickson): Yes, Mr. Mantha.

Mr. Michael Mantha: Just for my ongoing learning process of this, I'd like you to indulge me. I thought that we had made a vote on 42. We all expressed our views, and then we went to the amendment, which was suggested by my colleagues here from the Conservative Party. The amendment failed. Do we not go to 43 now?

The Vice-Chair (Mr. Joe Dickson): It kind of feels like getting a quadruple heart—

The Clerk of the Committee (Ms. Sylwia Przedziecki): Just to clarify for the members—

Interjection.

The Vice-Chair (Mr. Joe Dickson): Could we have clarification, please? Mr. Hillier, Mr. Mantha, a clarification for you.

The Clerk of the Committee (Ms. Sylwia Przedziecki): Just for clarification, section 42 is currently open. The amendment to section 42 was lost. Now the Chair is about to put the question on the section.

The Vice-Chair (Mr. Joe Dickson): So the question now is on the section. Those opposed? Those in favour?

The next item is section 43 on page 26.

Mrs. Kathryn McGarry: So section 42 carried?

The Vice-Chair (Mr. Joe Dickson): Yes. It was carried, yes.

Interjections.

The Vice-Chair (Mr. Joe Dickson): We're still on page 26, section 43. Mr. Mantha, that is an NDP motion on the traffic act.

Mr. Mike Colle: Mr. Chairman, where are we now?

The Vice-Chair (Mr. Joe Dickson): We are on section 43, page 26. This is the traffic act, NDP motion.

Mr. Michael Mantha: Thank you, Mr. Chair, and thank you for indulging me. I'm always one who is eager to learn. As much as you have patience with me, I'll give you the same patience from my end. So thank you for indulging me.

Anyway, I move that subsection 148(6.1) of the Highway Traffic Act, as set out in section 43 of the bill, be struck out and the following substituted:

"Same

"(6.1) Every person in charge of a motor vehicle on a highway who is overtaking a person travelling on a bicycle shall leave a distance of not less than one metre

between the bicycle and the motor vehicle and shall maintain that distance until safely past the bicycle.

"Same

"(6.1.1) Despite subsection (6.1), in cases where it is not practicable to leave the one-metre distance required by that subsection, a person in charge of a motor vehicle on a highway may overtake a person travelling on a bicycle by leaving a lesser distance, if it is safer to pass the bicycle and if the person in charge of the motor vehicle leaves as much distance as practicable between the motor vehicle and the bicycle and maintains that distance until safely past the bicycle."

The Vice-Chair (Mr. Joe Dickson): Mr. Mantha, I wonder if you could do a—

Mr. Michael Mantha: A friendly amendment there?

The Vice-Chair (Mr. Joe Dickson): Yes. You have: On line 4, the first word is "safe," and I believe that you interpreted it as "safer." Just to have the record correct, would you make that notation for us, please? At the very bottom of the page.

Mr. Michael Mantha: Yes. There are two paragraphs there that I had—there seems to be a little bit of a friendly typo that could be in order. The first paragraph, last sentence—and if anybody wants to make a suggestion, I'd be open to that suggestion. But it says—and I'll just read after the "and" of the last sentence—"shall"—

The Vice-Chair (Mr. Joe Dickson): Could I get you to go back to the comma before and read from that point on?

Mr. Michael Mantha: The comma before?

The Vice-Chair (Mr. Joe Dickson): Yes, "if it is."

Mr. Michael Mantha: I'm looking at the paragraph, the first "same," the (6.1) paragraph.

The Vice-Chair (Mr. Joe Dickson): No, no. We're at the very last one, sir.

Mr. Michael Mantha: You're at the last one?

The Vice-Chair (Mr. Joe Dickson): Yes, sir.

Mr. Michael Mantha: All right. So you want me to read from the last comma on?

The Vice-Chair (Mr. Joe Dickson): That's correct.

Mr. Michael Mantha: Okay, we've got it straight, Mr. Chair. So after the last comma, under the last paragraph, "Same

"(6.1.1) ...," it reads, "... if it is safe to pass the bicycle and if the person in charge of the motor vehicle leaves as much distance as practicable between the motor vehicle and the bicycle and maintains that distance until safely past the bicycle."

C'est bon?

The Vice-Chair (Mr. Joe Dickson): Thank you very much, Mr. Mantha.

Mr. Michael Mantha: You're very welcome.

The Vice-Chair (Mr. Joe Dickson): Ms. McGarry had a question.

Mr. Michael Mantha: I'd like to add a couple of comments, if I may.

The Vice-Chair (Mr. Joe Dickson): Absolutely. Go ahead.

Mr. Michael Mantha: I think, through the individuals who came here, we heard it quite clearly that we have a very good opportunity to really make this bill that much safer for individuals who are operating bicycles by making the amendment and putting in the one-metre rule.

I'd like to read from one of the presenters that came in, which was Mr. Jared Kolb, the executive director of Cycle Toronto. One of his—he had five amendments, but I'll just read the one that he wanted to highlight. "There are, however, five areas of Bill 31 that we recommend should be amended..." The one that he highlighted is, "We propose language to strengthen the new one-metre passing rule (section 43)," which is what we're dealing with right now.

This is something that is being done in other jurisdictions, if we look across this country. We have this opportunity to strengthen and make the roads that much more safer for our cyclists and our cycling enthusiasts. I would hope that in the co-operation of strengthening this bill, everyone around the table supports this amendment and we can move it going forward.

1720

The language that is presently there leaves too much to interpretation. I believe that this would set what the parameters are and encourage and specifically direct individuals who are operating vehicles to give that distance between them and the cyclists, and it would clear up a lot of the unknowns. So I would encourage everybody to support this motion, enhance and make this bill that much stronger.

The Vice-Chair (Mr. Joe Dickson): Thank you very much. Ms. McGarry, you had your hand up?

Mrs. Kathryn McGarry: Yes. Thank you very much. I certainly appreciate the member's comments. As you're aware, in the spirit of collaboration, we've actually incorporated four private members' bills into Bill 31 from all parties so that we would have all-party support across the House. I understand that the proposed changes acknowledge the private member's bill brought forward by your colleague, MPP DiNovo. I'm really pleased to see the co-operation across the way.

Certainly the point of this section is to protect cyclists. We really appreciate the comments we've had from stakeholders, cyclists themselves and a number of folks across the province who are quite supportive of the one-metre rule as written as being an agreeable distance between a vehicle and a bicycle. The only caution I'd have with some of the proposed amendments is that the motion would put a greater onus on the cyclist in unpredictable circumstances like suddenly coming upon a pothole or a roadblock. From my point of view, I'm happy with leaving the section as unamended, as we've already incorporated the private member's bill from your colleague.

The Vice-Chair (Mr. Joe Dickson): Mr. Hillier?

Mr. Randy Hillier: Thank you, Mr. Chair. Yes, we'll be supporting the NDP amendment. Thank you very much.

The Vice-Chair (Mr. Joe Dickson): All clear?

Mr. John Yakabuski: Vote?

Mr. Michael Mantha: Can I get a recorded vote, please?

The Vice-Chair (Mr. Joe Dickson): A recorded vote has been requested.

Interjection.

The Vice-Chair (Mr. Joe Dickson): Question: In favour? A recorded vote has been requested.

Ayes

Harris, Hillier, Mantha.

Nays

Anderson, Baker, Colle, Hoggarth, McGarry.

The Vice-Chair (Mr. Joe Dickson): The motion is lost.

The next sections are—oh, shall section 43 carry? Yes. Gotcha.

Mr. Michael Harris: Twenty-seven point one—

The Vice-Chair (Mr. Joe Dickson): No, no, no.

Interjections.

Mr. Michael Harris: This is amendment number—

Interjection.

The Vice-Chair (Mr. Joe Dickson): I said it. I'll say it again: Shall section 43 carry? I heard "yes." Carried.

The next sections are sections 44 to 47, inclusive. There are no amendments, and I wonder if we would vote on that as a unit.

Mr. Yvan Baker: Can I ask for a recorded vote?

The Vice-Chair (Mr. Joe Dickson): A recorded vote has been requested. Shall the section carry?

Mr. Mike Colle: Which section, please?

The Vice-Chair (Mr. Joe Dickson): Sections 44 to 47, inclusive. We were going to do one vote.

Mr. Mike Colle: Thank you.

The Vice-Chair (Mr. Joe Dickson): Unless you want to split them.

Interjections.

The Vice-Chair (Mr. Joe Dickson): We are doing sections 44 to 47, inclusive. They have no amendments. A possible recommendation could be to vote as a unit. Do you wish to carry that? Carried.

Now I'm going to get further instructions, so bear with me.

Interjection.

The Vice-Chair (Mr. Joe Dickson): Shall sections 44 to 47, inclusive, carry? You had asked for a recorded vote on that.

Ayes

Anderson, Baker, Colle, Hoggarth, Mantha, McGarry.

The Vice-Chair (Mr. Joe Dickson): I'm sure there's something else I have to say.

Shall section—

Interjection.

The Vice-Chair (Mr. Joe Dickson): These two gentlemen—as opposed.

Mr. John Yakabuski: They didn't vote.

The Vice-Chair (Mr. Joe Dickson): I'm asking the question, "As opposed?" and the answer was no.

Let me do it again. I thought I asked if you were opposed, and I think you said that you're not voting.

Mr. Michael Harris: You didn't say, "Those opposed?"

The Vice-Chair (Mr. Joe Dickson): But you're not voting?

Mr. Michael Harris: We are not.

The Vice-Chair (Mr. Joe Dickson): That's right.

Mr. John Yakabuski: There's no requirement to vote.

The Vice-Chair (Mr. Joe Dickson): The next one is section 48. That is the traffic act, and that is the PC subsection, both 27 and 27.1—

Mr. Michael Harris: Just 27.1.

The Vice-Chair (Mr. Joe Dickson): Okay, 27.1.

Mr. Michael Harris: I move that section 159 of the act, as amended by section 48 of the bill, be further amended by adding the following subsections:

"Slow down for vehicle removing snow or ice

"(3.1) Upon approaching a road service vehicle that is used to plow, salt or de-ice a highway or to apply chemicals or abrasives to the highway for snow or ice control and that has a lamp producing intermittent flashes of blue light, whether the road service vehicle is stopped on the side of the highway or proceeding along the highway, the driver of a vehicle travelling on the same side of the highway,

"(a) shall slow down and proceed with caution, having due regard for traffic on and the conditions of the highway and the weather, to ensure that the driver does not collide with the road service vehicle or endanger any person outside of the road service vehicle; and

"(b) if the road service vehicle is proceeding along the highway, shall follow the road service vehicle at a distance that is reasonable in the circumstances and shall only pass the road service vehicle if passing can be done in safety.

"Same, other road service vehicle

"(3.2) Upon approaching a road service vehicle, other than a road service vehicle described in subsection (3.1), with its lamp producing intermittent flashes of amber light that is stopped on the side of the highway, the driver of a vehicle travelling on the same side of the highway shall slow down and proceed with caution, having due regard for traffic on and the conditions of the highway and weather, to ensure that the driver does not collide with the road service vehicle or endanger any person outside of the road service vehicle."

The Vice-Chair (Mr. Joe Dickson): Mr. Harris, would you be good enough to read the last sentence just for clarification?

Mr. Michael Harris: The last sentence—just a second here.

The Vice-Chair (Mr. Joe Dickson): Or the very last line.

Mr. Michael Harris: The last paragraph? It's all one sentence. Do you want the whole paragraph? It's all one sentence. "Not collide with the road service vehicle or endanger any person outside of the road service vehicle"—that's what you wanted? Is there a problem with that?

Interjections.

1730

Mr. Michael Harris: I can continue?

The Vice-Chair (Mr. Joe Dickson): Yes.

Mr. Michael Harris: Okay. This is, I think, a very important amendment. You know what? My colleague Garfield Dunlop really initiated this through a private member's bill earlier on. I guess it goes back even further. We all know that the legislation was brought in to pull over or move over when a police officer is at the side of the road. We've enacted legislation for tow truck drivers who are at the side of the road. Now we're simply asking that the same sort of concept, perhaps, is applied to our snow-removing vehicles.

Mr. John Yakabuski: Consideration.

Mr. Michael Harris: Yes, or consideration, rather.

For those members who were not here for the deputations, it was in fact a suggestion brought forward by the Ontario Road Builders' Association. They're the voice of the road-building sector in Ontario. Their members build the majority of provincial and municipal roads, bridges and transportation infrastructure across the province and employ in excess of 30,000 workers at peak season.

They wanted to comment in response to the MTO's proposed amendments to the Highway 407 East Act, 2012, and the Highway Traffic Act. They wanted to comment specifically around efforts to amend sections 159(2) and 159(3) of the Highway Traffic Act to include tow trucks as vehicles which require slowing down by motorists.

Their association is constantly looking for ways to improve the health and safety of their workers, and continues to look for ways to collaborate with the MTO to ensure that our highways continue to consistently rank among the safest in North America. One important step that can be taken to protect the health and safety of their workers is to expand the scope of this legislative amendment to include all highway maintenance vehicles—i.e. crash trucks, patrol vehicles and snowplows—on the list of vehicles that require slowing down by motorists.

Highway maintenance vehicles such as crash trucks and patrol vehicles are vital to the safety of their workers and the general motoring public, acting as first responders to accidents, closing lanes when safety hazards are present, and creating security barriers to allow for vital maintenance work to be undertaken on busy thoroughfares, among many other duties. Workers in their industry perform work on Ontario highway networks daily and, similarly to tow trucks, their vehicles utilize amber flashing lights when performing this work. ORBA members are asking for equal consideration under the Highway Traffic Act, to ensure the safety of their workers.

Additionally, Ontario Road Builders' Association members would like to see snowplows included in the list of highway maintenance vehicles which require slowing down by motorists. Snowplows are equipped with blue flashing lights when performing work and represent an essential component on Ontario roads, especially in the last few seasons, which saw a record amount of snowfall in Ontario.

We won't get into further discussion on the actual road maintenance that has taken place, but we do want to thank them for their efforts on the roads at all times of the day and night.

Special consideration is warranted for snowplows, as statistics note that the majority of incidents involving snowplows are a result of motorists driving too close behind snowplows or attempting to pass snowplows. Following too close behind a snowplow can cause a driver to be blinded by the snow cloud ahead. Passing a snowplow can result in a collision, oftentimes fatal, with the side-mounted wing blade, a large blade mounted on the front which can swing to either side of the vehicle.

On average, every winter, there are 132 collisions involving snowplows, a trend that is increasing every year, from 105 collisions involving snowplows in 2010 to 189 collisions involving snowplows in 2011. These statistics clearly reflect the fact that more consideration needs to be given to snowplows and the way they are regarded by the motorist public of Ontario.

Of course, they wanted to thank the Standing Committee on General Government for the opportunity for their feedback. We want to thank them for their suggestion to make our roads even safer.

Clearly, the numbers speak for themselves, and that's why we have proceeded with this important road safety amendment: to simply include road service vehicles like snowplows in this important road safety initiative.

I ask the government for their consideration to support this worthy amendment, again, to make Ontario roads safer.

The Vice-Chair (Mr. Joe Dickson): Thank you. Ms. McGarry, you had your hand up?

Mrs. Kathryn McGarry: No, I didn't.

The Vice-Chair (Mr. Joe Dickson): You put it down? Thank you.

No questions? The motion to amend: Everyone ready to vote?

Mr. Michael Harris: A recorded vote.

The Vice-Chair (Mr. Joe Dickson): Recorded vote is requested. Shall the amendment carry?

Ayes

Harris, Hillier, Mantha.

Nays

Anderson, Baker, Colle, Hoggarth, McGarry.

The Vice-Chair (Mr. Joe Dickson): Shall we vote to approve the section? In favour?

Mr. Yvan Baker: Could I call a recorded vote?

The Vice-Chair (Mr. Joe Dickson): Recorded vote?

Mr. Yvan Baker: I'd like to ask for a recorded vote on all future sections.

The Vice-Chair (Mr. Joe Dickson): Sorry?

Mr. Yvan Baker: I'd like to ask for a recorded vote for all sections—when those votes are held, that a recorded vote be held.

The Vice-Chair (Mr. Joe Dickson): Done. Opposed?

Mrs. Kathryn McGarry: Could you repeat what we're voting on, please?

Mr. Michael Harris: How many voted in favour?

The Vice-Chair (Mr. Joe Dickson): A recorded vote was requested—

Mr. Michael Harris: How many voted in favour? Because you're on "opposed."

The Vice-Chair (Mr. Joe Dickson): In favour?

Mr. Yvan Baker: Of section what?

The Vice-Chair (Mr. Joe Dickson): This is the section. This is the section we're voting on.

Mr. Randy Hillier: Section 48?

Mrs. Kathryn McGarry: I'm listening to the Chair, thank you, Mr. Hillier.

Mr. Randy Hillier: I'm trying to find out what we're voting on.

The Vice-Chair (Mr. Joe Dickson): We're still on section 48. We're still on section 48. How many times do you want to do it? Recorded vote.

Mr. Mike Colle: All in favour?

The Vice-Chair (Mr. Joe Dickson): We've done that, and we'll do it again.

Interjections.

Mr. Michael Harris: No, no, no.

The Vice-Chair (Mr. Joe Dickson): Mr. Harris, when you want to take the Chair, you let me know.

All in favour?

Ayes

Anderson, Baker, Colle, Hoggarth, McGarry.

Mr. John Yakabuski: Whoa, whoa, whoa.

Mr. Randy Hillier: You already had the vote.

The Vice-Chair (Mr. Joe Dickson): I know we did. Opposed?

Mr. Randy Hillier: Chair, point of order: Listen, once a vote has been taken, it's not taken again.

Mr. Michael Harris: We want clarification on how many initially voted in favour, because you were on "opposed." You were starting to ask, "How many opposed?" So who voted in favour initially? We want Hansard or somebody to answer this.

Mr. Randy Hillier: Read back from Hansard.

Mr. Michael Harris: We want it read back from Hansard.

Interjections.

The Vice-Chair (Mr. Joe Dickson): We're in the middle of the vote, so let's finish the vote.

Mr. Michael Harris: How many were—

Mr. Randy Hillier: I've seen a number of votes.

The Vice-Chair (Mr. Joe Dickson): All in favour?

Mr. Michael Harris: No, now we're in the middle of the vote.

Interjections.

The Vice-Chair (Mr. Joe Dickson): I did read out all the names.

Mr. Michael Harris: Yes, the second time around, after he was already on "opposed." That's the fact. We have to get clarity on this. You know that was the case.

Mr. Mike Colle: Come on. Let's just vote.

Mr. John Yakabuski: On what?

Mr. Michael Harris: Nobody voted in favour; then he came to "opposed."

Interjection.

Mr. John Yakabuski: That's what he has to say: "Will section 48 carry? All those in favour?" This is not that complicated.

Mr. Michael Harris: If you guys aren't paying attention, that's your own fault.

The Vice-Chair (Mr. Joe Dickson): At this time, we're going to finish the vote.

1740

Mr. Randy Hillier: On?

The Vice-Chair (Mr. Joe Dickson): We have read out the names that voted—

Mr. Randy Hillier: On what?

The Vice-Chair (Mr. Joe Dickson): On the section.

Mr. Randy Hillier: Section number?

The Vice-Chair (Mr. Joe Dickson): Section 48, on page 27.1.

We've done all that, so: Opposed?

Mr. Randy Hillier: I will ask for clarification from the Clerk. How many times did you record the vote for section 48?

The Clerk of the Committee (Ms. Sylwia Przedziecki): One time. We are in the middle of the vote. I read out the names of those in favour, and now the Chair is putting the other side to the question.

Mr. Randy Hillier: Okay.

Interjection.

The Vice-Chair (Mr. Joe Dickson): The Clerk would like me to make sure that we're triply clear. On section 48—

Mr. John Yakabuski: Could you speak up, Joe?

The Vice-Chair (Mr. Joe Dickson): On section 48: Opposed? Anyone opposed? Yes or no.

Mr. Randy Hillier: We didn't put our hand up. We're not voting.

The Vice-Chair (Mr. Joe Dickson): The motion is carried.

Mr. Randy Hillier: The amendment on 48: Just for my own clarification, was the amendment carried or lost, according to the Clerk?

The Vice-Chair (Mr. Joe Dickson): That was lost.

Mr. John Yakabuski: Okay. Let's move on, then.

The Vice-Chair (Mr. Joe Dickson): Now what we have is sections 49 to 53, inclusive—

Mr. Granville Anderson: To 52.

Mr. John Yakabuski: It can't be 53; there's an amendment for 53.

The Vice-Chair (Mr. Joe Dickson): I'm only telling you what's written in front of me, but we will certainly check that.

Interjection.

The Vice-Chair (Mr. Joe Dickson): It is 53; that's what the Clerk says. If you want to deal with the Clerk, go ahead.

Question?

Mr. Yvan Baker: Point of clarity: What happened on section 48? Could you just clarify?

The Vice-Chair (Mr. Joe Dickson): What happened on it?

Mr. Yvan Baker: On section 48.

The Vice-Chair (Mr. Joe Dickson): Well, the amendment did not pass. The motion passed.

Mr. Yvan Baker: Okay, thank you. I just wanted to check. Thanks.

The Vice-Chair (Mr. Joe Dickson): There was a question: 52; the Clerk says it's 53. Do you want to check that?

The Clerk of the Committee (Ms. Sylwia Przewdziecki): Just to clarify, there are no amendments to sections 49 to 53, inclusive.

Mr. Randy Hillier: Chair, I call for a 20-minute recess.

The Vice-Chair (Mr. Joe Dickson): I haven't put the question yet, Randy. I have to put the question first. Okay?

Mr. Randy Hillier: You called for a vote.

The Vice-Chair (Mr. Joe Dickson): I haven't put the question. I do have to put it first, okay? The question, which I was reading—I'll start over again—was on sections 49 to 53, inclusive—

Mr. Randy Hillier: There was an amendment in section 53.

Interjections.

The Vice-Chair (Mr. Joe Dickson): For clarification, it is again sections 49 to 53, inclusive. There is no amendment.

Mr. Randy Hillier: Amendment 28.1 is under section—oh, no, that's—

Interjections.

Mr. Randy Hillier: But that's a new section, under 53—53.1.

The Vice-Chair (Mr. Joe Dickson): Section 53.1 is new, yes. Okay? So the—

Mr. Randy Hillier: I'll call for a 20-minute recess on that vote.

The Vice-Chair (Mr. Joe Dickson): The question is, do you want to vote as a unit? The concern now is the time. Is that your concern?

Mrs. Kathryn McGarry: Yes.

The Vice-Chair (Mr. Joe Dickson): I'm talking to the Clerk. Sorry.

Interjections.

The Vice-Chair (Mr. Joe Dickson): So 20 minutes is fine for Mr. Hillier. That means this meeting, in essence, is finished, and you will take the vote on this resolution when you come back on Monday.

The committee adjourned at 1748.

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120N
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Publication

G-16



G-16

ISSN 1180-5218

Legislative Assembly of Ontario

First Session, 41st Parliament

Assemblée législative de l'Ontario

Première session, 41^e législature

Official Report of Debates (Hansard)

Monday 30 March 2015

Journal des débats (Hansard)

Lundi 30 mars 2015

Standing Committee on General Government

Transportation Statute Law
Amendment Act (Making
Ontario's Roads Safer), 2015

Comité permanent des affaires gouvernementales

Loi de 2015 modifiant des lois
en ce qui concerne
le transport (accroître la
sécurité routière en Ontario)



Chair: Grant Crack
Clerk: Sylwia Przedziecki

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Published by the Legislative Assembly of Ontario



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Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Monday 30 March 2015

Lundi 30 mars 2015

*The committee met at 1400 in committee room 2.*TRANSPORTATION STATUTE LAW
AMENDMENT ACT (MAKING
ONTARIO'S ROADS SAFER), 2015
LOI DE 2015 MODIFIANT DES LOIS
EN CE QUI CONCERNE
LE TRANSPORT (ACCROÎTRE LA
SÉCURITÉ ROUTIÈRE EN ONTARIO)

Consideration of the following bill:

Bill 31, An Act to amend the Highway 407 East Act, 2012 and the Highway Traffic Act in respect of various matters and to make a consequential amendment to the Provincial Offences Act / Projet de loi 31, Loi modifiant la Loi de 2012 sur l'autoroute 407 Est et le Code de la route en ce qui concerne diverses questions et apportant une modification corrélative à la Loi sur les infractions provinciales.

The Chair (Mr. Grant Crack): It is 2 o'clock. I'd like to call the Standing Committee on General Government to order this afternoon. We're here to continue clause-by-clause consideration of Bill 31, An Act to amend the Highway 407 East Act, 2012 and the Highway Traffic Act in respect of various matters and to make a consequential amendment to the Provincial Offences Act.

I'd like to welcome all members of the committee here this afternoon and all support staff, as well: the Clerk and Hansard and legal counsel.

At your last meeting of the committee, there was a request for a 20-minute recess prior to the vote on sections 49 to 53, so I will be calling for that vote at this time. There was a request for a recorded vote.

Ayes

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is carried, so sections 49, 50, 51, 52 and 53 are carried.

The next amendment is number 28.1. Perhaps in some of your packages, it's 28, but it's 28.1. I would ask Mr. Yakabuski to read it into the record.

Mr. John Yakabuski: Certainly, Chair.

The Chair (Mr. Grant Crack): No—you're subbed in, so I believe—

Mr. John Yakabuski: No, I'm not subbed in. You can't read it into the record if—

The Chair (Mr. Grant Crack): No.

Mr. John Yakabuski: You've got to be subbed in to read it into the record?

The Chair (Mr. Grant Crack): That's correct.

Mr. John Yakabuski: Oh.

The Chair (Mr. Grant Crack): You can participate, Mr. Yakabuski. We look forward to that.

Mr. John Yakabuski: It has already turned out to be a bad day.

The Chair (Mr. Grant Crack): You can participate, as I had indicated. But to read motions—Mr. Harris.

Mr. Michael Harris: Here we go. I move that the bill be amended by adding the following section:

“53.1 The act is amended by adding the following section:

“Driving with dangerous accumulation of snow or ice

“181.1(1) No person shall drive a motor vehicle upon a highway if snow or ice has accumulated on the motor vehicle, or on a vehicle or trailer drawn by the motor vehicle, to such an extent that the snow or ice is at risk of falling or sliding off while the vehicle is being operated or could otherwise pose a danger to other motor vehicles on the highway.

“Penalty

“(2) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$500.

“Same, commercial motor vehicles

“(3) Every person who contravenes subsection (1) while driving a commercial motor vehicle is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$1,000.”

The Chair (Mr. Grant Crack): Further discussion? Mr. Yakabuski.

Mr. John Yakabuski: This bill is currently on the order paper under Bill 44. It was in the previous Parliament under Bill 183. It has not changed. It died when the Parliament was dissolved. It's in response to, specifically, an incident in my riding where a man by the name of Gord Stickles was driving his Dodge Caravan on Highway 41, and around the Snake River turn he met a tractor-trailer with a 53-foot trailer. If you recall, the winter of 2013-14 had a lot of thermal fluctuations in the weather. There was a serious accumulation of ice on the top of that trailer: 53 inches long and up to five inches

thick. When he rounded that corner, the tractor-trailer lost all of the ice off the top of that trailer. It came crashing down. Had Mr. Stickles not acted in a very, very quick manner, it's very likely he could have been killed. It did completely demolish his van. It totalled his vehicle.

Once this happened, there was a story in the newspaper, and I got a number of people calling me to say that they had had similar instances, obviously not as serious. But a lady, Mrs. Denzil Ferguson, wrote in the paper about one that happened to her 25 years ago, and they're all wondering why something hasn't been done to make it mandatory, to encourage people to ensure that there's not a dangerous accumulation.

This is not about when somebody's driving through a snowstorm and there's an accumulation on the vehicle, obviously. This is one where there has been a freeze-thaw cycle, and maybe more than one, as a tractor-trailer sat in a loading yard, and no attempt was made to free the ice and snow from that trailer. It's been allowed to go through a couple of these freeze-thaw cycles, embedding that and making it far more heavy and dangerous when they hit the road. Then you get a sunny day which, as you're travelling, starts to loosen that, and all of a sudden it can come off in one fell swoop.

That winter, I'm sure there wouldn't be any one of us here who was driving—if you drive—travelling down the 401 or other highways at the time and didn't see something like this happening off another car or vehicle, because it was that kind of winter. I had it happen to me a dozen times, where you'd be driving along and something would fly off the car in front of you. Maybe it would hit your windshield, or maybe not; maybe it would hit the road in front of you. But certainly it was that kind of winter. It gave me the encouragement to put forth a piece of legislation that would deal with that.

Now, this legislation exists in the province of Quebec and other provinces. It exists in several northern continental states. It's a problem that simply hasn't been dealt with in Ontario from the point of view of actually having some teeth in the law. Everyone thinks that, as a good, safe motoring citizen, you're going to try to ensure that your vehicle is not likely to be a danger to somebody else. By having this in the legislation, it gives the police the authority to cite someone if they're not in compliance with the legislation. The fines are not excessive, but I think it would do a lot to enhance road safety. That's what this bill is all about.

My colleague and our critic for transportation, Mr. Harris, was kind enough to suggest, "Why don't we take this to the government members of the committee? They're very, very clear-thinking and reasonable people. It is very likely that they would allow this amendment to be incorporated into the act when we're making changes." This is about highway safety, and I'm confident that the five members on the other side are going to support this, because there's no reason not to. It will also send a clear message that this government is prepared to act when it comes to public safety on our highways.

That is my pitch. I can speak for an hour if you want—

Mr. Michael Harris: You only get 20 minutes.

Mr. John Yakabuski: I only get 20 minutes?

Mr. Randy Hillier: At a time.

Mr. John Yakabuski: Oh, my God. They're limiting—oh, at a time?

Mr. Michael Harris: Yes.

Mr. John Yakabuski: Oh. We could go back again.

I can give you some of the press clippings and stuff like that that happened here, but I got the call from Gord Stickles when it happened, and he was just shaking. When he asked the police—the truck, by the way, did not stop. I don't know whether he was fully aware of what happened, because the driver has never been to court or anything, but a passing motorist who witnessed it chased down the truck—the tractor-trailer; when I say "truck" I mean the tractor-trailer—and informed him that this was the case.

When Mr. Stickles and the witness, who returned to the scene, brought it up to the police, there was really nothing they could do, because we don't have a statute in Ontario that could actually do something about it. When you think about it, 53 feet by about eight feet by five inches thick—you can see a picture of a front-end loader cleaning the highway after the accident, because it took a front-end loader to remove the ice and debris from the highway after this accident. You have to ask yourself: How could we possibly not have something in our legislation that in a very real way encourages people to ensure that there's not a dangerous buildup of ice and snow on the top of their vehicle?

1410

There's discretion here for the police: "a dangerous accumulation of snow or ice" is the way the bill is written. It's not a case where a guy is on a long haul and he has to pull over because there's a snowstorm, because of the visibility and everything, and he takes off again. No. This is clearly a case where they have not been diligent about ensuring that as a tractor-trailer has sat through an up-and-down thermal cycle—there has not been a reasonable attempt to free any ice and snow that has accumulated on that vehicle.

I think it's a reasonable addition to the bill. I want to thank Mr. Harris for allowing me to do this and also drawing the amendment up. I would hope that members on the other side and my colleague from the New Democrats would support this addition to Bill 31, which would only make it stronger for all of us.

The Chair (Mr. Grant Crack): Ms. McGarry?

Mrs. Kathryn McGarry: The member opposite certainly speaks eloquently to a very important issue, and I would agree with him. I've heard various anecdotal stories.

I want to pass along one quick anecdotal story regarding a police officer, who was one of my friends, who actually got a conviction in court from somebody who hadn't properly cleaned off their car. I don't know the details about that, but I do know that person was charged. So there are some provisions out there.

I think that further analysis and consultation are required. The way this currently reads, more consultation

is needed, especially with our enforcement officers, because it would be necessary to determine from them if this amendment provides sufficient clarity to police officers if they were to lay a charge under this new section. Certainly, taking this back to our road safety folks and being able to analyze it doesn't preclude it from looking at legislation down the road—but it also places an extraordinary burden on the transportation industry in cases of predictable weather. That's why I'm saying I agree with you. I would hope that as we take this forward, after this bill, for further analysis and consultation, you and the stakeholders would be available and willing to come forward with some of those consultative pieces. But at the moment, I can't see it being adopted into this bill. It's not ready for this piece yet.

The Chair (Mr. Grant Crack): Further discussion? Mr. Yakabuski.

Mr. John Yakabuski: Well, I thank you for your lukewarm support.

Mrs. Kathryn McGarry: It's not lukewarm.

Mr. John Yakabuski: Well, it's a bit lukewarm. I'll use the term, and you can choose to use another one. But I appreciate the somewhat tacit support, maybe, that you're offering.

What I would say, then, because I can count—just as I can tell the difference between 53 feet on the top of a trailer and eight feet on the top of a car, I can also count the number of people on the other side of this room. So I'm under no illusions that when the parliamentary assistant tells me that she's not going to be supporting it—I can assure you that I'm quite confident that the other members of the committee on the government side won't support it either.

Having said that, I'm not going to prolong this process any longer than is necessary. I don't know if my colleagues may have something to say, as well, and my friend from the New Democrats, Mr. Mantha. But if and when it doesn't pass—the vote that we're going to have shortly—is it fair for me to extrapolate from your words, Ms. McGarry, that the minister and/or the ministry is very, very interested in bringing this bill forward into the Legislature, maybe as a—if they're not going to bring this forward as a ministry bill on its own, they have an opportunity in here. They know this is on the order paper. It has been on the order paper since last November, which is—when did Bill 31 get tabled?

Interjections.

Mr. John Yakabuski: Very close to the time that Bill 31 got tabled, so the ministry is well aware of this piece of legislation as a private member's bill. They certainly have had the opportunity to work at incorporating it in their own amendments. There's been a lot of time. We're almost into April. There has been a lot of time.

While I appreciate your words, I hope they are not just words of comfort or words to get Yak off your back: "Let him have his say, and then he'll go away quietly and we won't hear from him again." That's not quite going to be the case. I'd like to hear something from the ministry that says, "We're actually interested in this bill," because

what I hear here is, "I'm interested in getting to the vote so that we can move on with the rest of the legislation, but we're not going to support incorporating Bill 44 into Bill 31 at this point."

I'd really like to hear something a little more concrete from the ministry that says, "We're not going to do it today, but this bill actually does something that has happened in other jurisdictions. The world hasn't fallen apart because of it. It hasn't resulted in a litany of litigation or court cases. It's not the reason courts are tied up, and it wouldn't be the reason our courts were any more tied up or inefficient in the province of Ontario"—something from the ministry that actually said, "We're serious about highway safety."

Ontario has some of the greatest fluctuations of any jurisdiction in the world when it comes to winter weather. Because of those fluctuations, our climate is more subject to having these wide variations of ice and snow conditions versus other areas of the continent. Some places have mostly open winters with a little bit of snow. Winters you're going to have in the prairie provinces are going to be far more consistent in the weather that they have. You're not going to have these fluctuations.

All you've got to do is look at the city of Toronto and see how many different weather patterns we dealt with this winter because of where we are geographically. The 401 is the biggest highway in the country, and it's subject to those variances in weather as well.

If this ministry is really serious about highway safety, they'll pay more than the little bit of lip service—and I say this with great respect—that you're paying me here today on incorporating this into Bill 31. You'd actually be seriously talking about some piece of legislation or, having had the opportunity—because there's no way; I know how it works. There are people sitting back there, and I don't know their names, but I know they work very, very hard, and I know that somebody sitting in that group over there has reviewed Bill 44 because that's their job. Somebody over there has been looking at this, and they've said something to the minister to the effect of, "Maybe it's something we can consider." Or maybe they have said to the minister, "Oh, don't worry about it. Nobody's going to make a big deal about it. The world will go on just fine the way it is." Well, I don't think the world is going on just fine the way it is. This is a good piece of legislation, so I hope that somebody back there has actually been talking to the minister.

I know that he wasn't the minister when I first put in the bill, but I think he's a minister who does give a lot of consideration to the legislation he's bringing forth. There's certainly been a lot of consideration of Bill 31. I hope that he will be serious about doing something concrete on Bill 44 when we leave this room today.

I know I'm going to lose this vote. I have lost votes before—

Mr. Michael Harris: Have faith.

Mr. John Yakabuski: What I'd like to do now is turn it back to the Chair. There might be some other members of the committee who want to speak to it as well.

The Chair (Mr. Grant Crack): We'll move to Mr. Mantha, and then it will be Mr. Harris and then Mr. Hillier.

Mr. Michael Mantha: I want to just thank the member from the PC caucus for speaking so eloquently, and the other members who have talked about how they were personally affected by this in their constituency.

I can tell you that I do a six-hour drive twice a week, travelling back and forth from Elliot Lake here to Queen's Park. Although I've never had the unfortunate experience of being in back of a transport and seeing that slate of ice or that huge chunk of snow coming off and hitting you, I've been behind many vehicles that have done the same—you know, that frozen chunk of ice that's sitting on top of the van.

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Even myself, I've seen it on my own vehicle where you have that bad weather once in a while, where you have that two inches of good snow on your tonneau cover, and that tonneau cover gets wet overnight, and if you don't take that off before you leave home—everybody likes looking in that rear-view mirror and looking at that thing go up in the air. I can tell you something, Mr. Speaker, if your kids are there, they're going to be the first ones to laugh. But that's only if there's nobody behind you. If somebody is behind you, you are going to devastate somebody's life. You are going to change somebody's life forever. We need to take that seriously.

I also heard and can do the numbers from across the way. We can see that, potentially, this may not pass at this point in time, but I would urge the government to seriously look at this and bring it up as quickly as possible so we can have the discussion and we can move on it, to make our roads safe.

I look around this room and—you know, I'm not blind. I was elected here for the first time in 2011. I came here with an attitude that we're all here to do the right thing. We all want to see our roads safe. We all want to see health care. We all want to see improvements in education. We all want to see our seniors taken care of. But it's where those issues fall on our list of priorities which makes us just a little bit different from each other. This is something that we all agree on, and we should have it way up there on our list of priorities.

I'm going to be supporting this amendment, from our caucus. I would hope to see it move quite quickly in the House. Again, I want to thank the member from the PC caucus for having brought this private member's bill forward.

Thank you, Speaker.

The Chair (Mr. Grant Crack): Thank you, Mr. Mantha. Just for a point of clarification: Perhaps I'm not sure what the future holds for me being the Speaker, but as Chair, I'll pass it over now. You did reference me as "Speaker."

Mr. Michael Mantha: Oh, I'm sorry, Chair.

The Chair (Mr. Grant Crack): There's one Speaker of the House, so I don't want to steal his thunder. I want to make that clear and have that on record.

Mr. Michael Mantha: I'll blame it on my cold. I want to apologize to you and to all the committee members. I was a little bit late today. I'm under the weather, and I was caught in a cough storm, and I just had to get my bearings, which is why I was late earlier. I apologize to all of you. I didn't mean disrespect by showing up late.

The Chair (Mr. Grant Crack): It's great to have you here.

Mr. Harris.

Mr. Michael Harris: Yes, absolutely. Thanks for being here, for sure.

Look, it's important to remind the committee members that this bill's short title is Making Ontario's Roads Safer. I want to highlight the fact that that's what the bill is actually called. I think this amendment that my colleague Mr. Yakabuski has put forward is doing exactly that: making Ontario's roads safer.

He spoke about a dramatic incident in his riding. Someone navigating a van had come across an unfortunate incident with a truck. We all drive on 400-series highways where—in this case, he was able to manoeuvre out of the way. On some 400-series highways, with the traffic the way it is, often you're not going to have an opportunity at all to get out of the road. Unfortunately, circumstances could lead to fatalities if we don't send a message that you need to have your load and your vehicle cleared of any obstruction or snow or ice at the time you leave the yard. Obviously, during transport, if the conditions are snowy and it accumulates, it's a different story. But this would give the tools to law enforcement to actually lay a fine for not properly ensuring that the roofs are clear of any ice etc.

It's interesting when we talk about other jurisdictions that in fact have this. My colleague mentioned that Quebec has it. We're obviously taking advice from them on taxing carbon in Ontario eventually, and yet we simply can't take a suggestion to make our roads safer. It's unfortunate to see.

I want to just follow up on the parliamentary assistant's comments that the police in fact have already had the tools to lay fines. I'm wondering if a ministry lawyer could come up and explain what in fact those tools are that they currently have within the act that would allow for fines in this instance—if you can explain to the committee what that might be.

The Chair (Mr. Grant Crack): Mr. Harris is requesting that a member from the ministry come forward. Do I have agreement at the committee level to bring someone forward?

Any opposition? There being none, is there anyone from the ministry who would be able to help us in responding to Mr. Harris's question?

Mr. Logan Purdy: Sure.

The Chair (Mr. Grant Crack): Please have a seat. For the record, state your name and position, please.

Mr. Logan Purdy: Hi, my name is Logan Purdy. I'm the acting manager of the Road Safety Policy Office at the Ministry of Transportation.

There are a number of provisions the police can use, and I know that they do use, in terms of charging,

sections 73 and 74, which are about making sure that you don't have anything obstructing the view out of your windshield. I don't know if there's anything specific to clearing snow off your roof, but there is a wide range of charges that police can use in terms of your vehicle fitness and things like that.

In terms of the ministry's position on this, I think the PA summed it up quite clearly, in terms of much more needed consultations. We always look at some of the other jurisdictions across North America. For the last 13 years, Ontario has been either number one or number two in terms of having the safest roads in North America. If you looked at us in terms of Ontario being a country, we'd be number seven in the world. So we do have a pretty good record in terms of road safety.

But like I said, there would be more consultations needed on this one, specifically with the trucking association—they have some concerns, obviously, with their members getting up and looking at the top of the trailer; that's one of the concerns that they've mentioned—and consultations with the Ministry of Labour in terms of workplace safety and hazard; and also, consultations with the police on how they enforce this provision.

I know that there has only been one study on this particular issue, from the American Transportation Research Institute. They found that there was no empirical data that there was an increase in collisions or property damage on this issue. They did say that many of the examples they have are anecdotal.

I'm not sure of any particular research in relation to the jurisdictions that have brought in this law, but we definitely can look at the other jurisdictions and look at the issue.

Mr. Michael Harris: Right. So there's actually nothing specific to the dangerous accumulation of snow or ice that is at risk of falling or sliding off. You mentioned obstruction on the windshield that would obstruct a driver's ability to operate the vehicle, but not the dangerous accumulation that would put others at risk?

Mr. Logan Purdy: Police always have the careless driving provision. They have sections 73 and 74. I know that there are, in some cases, charges that police use, but it's their responsibility to enforce the HTA.

Mr. Michael Harris: I just think that this would be a tool for police or law enforcement to lay a fine rather than a careless driving charge that obviously would be more substantial. Nevertheless, I'll leave it at that.

I thank you for your time.

The Chair (Mr. Grant Crack): Mr. Yakabuski.

Mr. John Yakabuski: It's Mr. Purdy?

Mr. Logan Purdy: Yes.

Mr. John Yakabuski: Did you have a question?

The Chair (Mr. Grant Crack): Did you want to question him?

Interjections.

Mr. John Yakabuski: I was a little disappointed in your information there, because it leads me to believe that—you know, Ms. McGarry was saying we need more

consultation, and you've said the same, but it sounds like you have been having it.

Mr. Logan Purdy: Well, I—

Mr. John Yakabuski: Let me finish.

Mr. Logan Purdy: Sorry.

Mr. John Yakabuski: It sounds like you've been having it. I never, ever received a letter or anything from the Ontario Trucking Association, speaking against this bill, but it sounds like you've opened the conversation, or they've opened the conversation with you and you've been engaged in it. When I say "you," I say it collectively, as the ministry.

It would lead me to believe—I'm a whole lot less encouraged, having heard from you, because it sounds like you've had the discussion and that the ministry's instructions—or the minister's, through his staff—are, "Don't let this go through, because we've already decided we don't want it to happen, because we've been lobbied by the Ontario Trucking Association."

You said the Ontario Trucking Association has contacted you, or you've got something—you've had communications with them. Is that not the case?

Mr. Logan Purdy: No, I've never had formal consultations with the Ontario Trucking Association on this issue. I know, from things that they've said in the media, when this issue was raised about five years ago, that that's what their position would be.

Mr. John Yakabuski: So you're now saying you're basing it on what you saw in the media five years ago?

Mr. Logan Purdy: No, that's not what I said. What I did say was that further consultations with stakeholders such as the Ontario Trucking Association would be necessary and, I think, to back up what PA McGarry had said, that more consultations would be needed.

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Mr. John Yakabuski: Okay, but you just did say something about how it was in the media five years ago.

Mr. Logan Purdy: That is one example of the issue being raised by the Ontario Trucking Association. You asked me what my evidence was for their position. That would be one thing.

Mr. John Yakabuski: Right. So there has been no communication with the Ontario Trucking Association since the tabling of either Bill 183 in March 2014 or Bill 44 in November 2014?

Mr. Logan Purdy: There have been no formal consultations with the Ontario Trucking Association, to my knowledge, on this specific issue.

Mr. John Yakabuski: To your knowledge, have they contacted the ministry objecting to it?

Mr. Logan Purdy: To my knowledge, no.

Mr. John Yakabuski: No. Okay, so—

Mr. Logan Purdy: Well, I mean, I can just speak to what they have said.

Mr. John Yakabuski: In fairness, then, I have to say, Mr. Purdy, that what you said to our committee would have to be—I'd have to say it was somewhat misleading, because we're talking about incorporating this bill—

Mr. Mike Colle: Point of order.

The Chair (Mr. Grant Crack): Mr. Colle on a point of order.

Mr. Mike Colle: I just think the categorization of the ministry official as misleading this committee is totally uncalled for. He's trying to, basically, give background to a legitimate question, and he's attempting to have a legitimate answer to his questions. But this categorization is certainly out of order.

The Chair (Mr. Grant Crack): Okay, thank you. Mr. Yakabuski, I'd ask you to—

Mr. John Yakabuski: No, I will actually emphasize that I believe what he said was misleading, and I'll tell you why: because we're talking about incorporating the components of Bill 44 into Bill 31. In your original address, you talked about the view from the Ontario Trucking—that you were aware that the Ontario Trucking Association was opposed to this. But you're taking it to a point in history that was prior to the tabling of this bill.

So when you told the committee and said to the committee that you were making this comment based on—to me, and I suspect to the members of the committee, it was based on what is in front of the committee today. When you go back in history five years, that really is a different message. So what you're saying is you have nothing from the Ontario Trucking Association with respect to comments on Bill 44.

Mrs. Kathryn McGarry: Point of order.

The Chair (Mr. Grant Crack): On a point of order, Ms. McGarry.

Mrs. Kathryn McGarry: We are discussing Bill 31. You know, a ministry official isn't there to address Bill 44. At this particular time, I want to make sure that the focus is back on Bill 31 with all these things that are in there as well—

Mr. John Yakabuski: It is Bill 31. Bill 44 is being incorporated.

Mrs. Kathryn McGarry: I will finish, thank you very much. Our officials have been asked to come and address Bill 31, and I think that he has been doing that. I think that we need to hear his answers. He is certainly an expert in this field and part of MTO's staff that is addressing Bill 31. I would like to see that that's coming back here.

I just think we're moving dangerously to Bill 44, rather than what's in front of us, which is Bill 31. Thank you.

Mr. John Yakabuski: Well, you know, I've got a responsibility too. I've got a responsibility to the people who elected me here, and if I think that something is not correct, I have a responsibility to them to take it up on their behalf.

Mrs. Kathryn McGarry: I will defer to the Chair.

Mr. John Yakabuski: With respect to Mr. Purdy—and this is not personal—he may not have viewed it that way. But I have the right to interpret, as every person here has the right to interpret, and I have the right to question him as to what he has said to the committee.

The Chair (Mr. Grant Crack): Okay, Mr. Yakabuski. There was a point of order from Ms. McGarry, so I

would remind you that Mr. Purdy is here at your request, after consideration by the committee. I would ask that we focus on Bill 31 and the amendment that you have put forward. I would also ask that you guard your comments with regard to inappropriate language when it comes to being parliamentary and/or not.

Mr. John Yakabuski: I appreciate that.

The Chair (Mr. Grant Crack): Otherwise, I'll call you out of order and we'll move to the next speaker.

Mr. John Yakabuski: Thank you very much. I do believe that, as a member of the committee and a elected member of the Legislature, I have the absolute right to question an official from the government if I believe the information that they have given to us is not really supported by documentation in further questions or evidence given in further questions as to when that information was actually garnered.

Mr. Mike Colle: Point of order.

The Chair (Mr. Grant Crack): On a point of order, Mr. Colle.

Mr. Mike Colle: I think the member, who is subbed in, who is not an official member of this committee, should withdraw his derogatory comment and stop trying to say indirectly what he means to say directly. He should apologize and withdraw that comment and stop that derogatory line of questioning, which he is trying to do despite the warnings from the Chair.

The Chair (Mr. Grant Crack): Thank you, Mr. Colle, for the point of order.

Mr. Yakabuski, let's stay focused on the bill at hand. Do you have any further questions for Mr. Purdy? Otherwise, we'll move on to—

Mr. John Yakabuski: Yes, I'm going to move on, but all I wanted to do was clarify that when we first asked the questions of Mr. Purdy, the impression that was created for me, and it may be supported by others, was that the incorporation of the contents or the spirit of Bill 44, being incorporated by way of amendment into Bill 31—his comments gave me the impression that there were recent communications or discussions with the Ontario Trucking Association that—

Ms. Ann Hoggarth: A point of order.

The Chair (Mr. Grant Crack): A point of order, Ms. Hoggarth.

Ms. Ann Hoggarth: I believe what's happening here provides no new information to the debate about Bill 31. Very clearly, the debate points out that there needs to be further discussion about this. We want Ontario's roads to be safer. Very clearly, there are a lot of stakeholders—

Mr. John Yakabuski: That's not a point of order, Chair. That's an interjection.

Ms. Ann Hoggarth: —who want to pass this as quickly as possible. I move that we vote immediately.

The Chair (Mr. Grant Crack): Okay. Thank you very much for your request. I believe there is more discussion to be had on it. What I'm going to do—Mr. Yakabuski, you made your opinion and position quite clear—is I'm going to ask Mr. Purdy, do you have any final comments before we move on to Mr. Hillier?

Mr. Logan Purdy: I'm sorry I gave that impression. I was just trying to talk to a stakeholder position. There was nothing misleading in the information that I gave.

Mr. John Yakabuski: Thank you.

The Chair (Mr. Grant Crack): Thank you very much. We're going to move over now to Mr. Hillier. Thank you, Mr. Purdy; you can return.

Mr. Randy Hillier: Speaking to this amendment, I'd like to just give some further new information on this amendment and share some comments.

First off, I have a constituent whose name is John Beckwith. He's a long-distance tractor-trailer driver. He has patented a device to remove snow and ice accumulations off highway tractors. He has a manufacturer in southern Ontario, DK Manufacturing, producing them, but he has no market in Ontario. He has, contrary to the comments that we have heard from the parliamentary assistant and from—was it Mr. Purdy or Mr. Pretty?

Mr. John Yakabuski: Purdy.

Mr. Randy Hillier: He's been trying to get an audience with the ministry to talk about how we can be more effective at removing dangerous accumulations of snow and ice off highway tractors and other vehicles. He has not been able to get an audience with the emperor yet.

Mr. Mike Colle: Point of order.

The Chair (Mr. Grant Crack): A point of order, Mr. Colle.

Mr. Mike Colle: I think that comment is uncalled for. It is not a commonly used term in this Legislature. To use that term is derogatory and it's got nothing to do with Bill 31.

This is a continued attempt to get private members' bills, which are legitimate vehicles—and I have six private members' bills pending, a number of them with transportation. It's very good for me to come before a committee dealing with another bill and try to get mine in through the back door, but there's a legitimate process where many members are waiting for bills to go through the process. They go through the private members' process. They don't use this standing committee, which is seized with Bill 31, to drive their private agenda and their private members' bills, to usurp the work that we are about to do on Bill 31. I raised this last time, that we spent most of the last day dealing with a private member's bill that wasn't part of the legislation. We allowed that to take hours and hours of stalling.

Mr. Randy Hillier: A point of order, Chair.

The Chair (Mr. Grant Crack): I'm just about to—thank you very much, Mr. Colle.

Mr. Mike Colle: I'm just saying that you weren't here the last day, but we did the same thing. We spent the whole afternoon on a personal private member's bill and not on the business before us.

Mr. John Yakabuski: That's not a point of order.

The Chair (Mr. Grant Crack): Thank you for your point of order, Mr. Colle.

Mr. John Yakabuski: Which is not a point of order.

The Chair (Mr. Grant Crack): Mr. Hillier, you did use a term that I would consider borderline.

Mr. Randy Hillier: I will respect those thoughts, but I will share this: Typically, when we raise a point of order, we also identify what standing order the member is in contravention with, and not just throw out willy-nilly that something is a point of order. So—

The Chair (Mr. Grant Crack): Thank you for your point of order. Let's go back to the motion that has been put forward by your colleague.

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Mr. Randy Hillier: What I was speaking to was this amendment and the parliamentary assistant's comments that further consultation is required, and that she gave the impression that further consultations are under way.

I'm just sharing my perspective from a constituent, John Beckwith, who has been trying to have consultations regarding the dangerous accumulation of snow and ice, and he has yet to be successful in having those consultations.

This is a patented device, patented here in Ontario, that has a manufacturing company operating to produce these, but there has been no movement on the government's side to address this.

I want to make just one comment with regard to Logan Purdy's statement—who, if I've got it right, is the director of road safety for the Ministry of Transportation—that there's no empirical data of property damage due to dangerous accumulations of snow and ice. I think what we heard is that there is data. Read the Renfrew Mercury and some of these other publications, and there is data that there is property damage and dangerous threats to life, as well as dangers to property, that are happening in this province, and that there has been an unwillingness—obviously, from my perspective—for the government to enter into meaningful discussions and consultations on how to address it.

We see again here today in this committee, with this amendment, an opportunity to engage in meaningful discussions, and we're not getting it. The government has made the determination that this is not a forum to discuss this amendment and, from what we see, that nowhere is a proper forum to discuss the dangerous accumulation of snow and ice.

I'll be supporting this amendment. I would like to see a greater consistency of the words expressed in this committee with the actions of the ministry. So if this committee is stating that further consultations are required and ought to be continuing, or ought to start, then we should see that transferred into action, not just rhetoric.

Thank you very much.

The Chair (Mr. Grant Crack): I believe it's MPP McGarry.

Mrs. Kathryn McGarry: Thank you very much. I think that the discussion this afternoon really does identify and underscore the reason why this particular amendment needs further consultation and analysis. The member opposite has just pointed out that there may or may not be empirical data out there regarding this issue, but this is precisely why we need to move forward in a more defined way, going forward.

I will take all these comments back. I'm glad that ministry officials are here to hear the discussion today. I'm certainly hoping that the members opposite will come out and give some of these comments when asked for. I understand that our ministry has reached out about the amendments for this particular bill, and I think the members of the third party, the NDP, arrived; I don't think the members opposite did.

I just want to say that I'm supporting this going forward.

My last point is, we do have a lot of road safety partners out there. I think that there's nothing precluding them from going out on a public awareness campaign regarding this important issue—to make sure that your vehicles are fully cleaned off—while we move forward, looking ahead at further analysis and consultation in the future.

Thanks.

Mr. Michael Harris: Chair?

The Chair (Mr. Grant Crack): Mr. Harris.

Mr. Michael Harris: I'm not sure if the parliamentary assistant has got her information correct from the ministry or what have you. To make things up on the go, perhaps without getting the facts, is something that we've seen these members do over the course of Bill 31's debate.

I will tell you that I was asked if I wanted a ministerial briefing. I said no, because I know the bill already. Just for the record, I was asked if I wanted a ministerial briefing on the bill for a second time, which I said no to because I wasn't interested. I already know the bill. I debated the bill.

We're here talking about amendments to strengthen the bill. I remind committee members that this is the process which sees it through committee. We bring a government bill into committee, we table amendments—

Mr. Mike Colle: Not private members' bills.

Mr. Michael Harris: We table amendments to strengthen bills. That's what we do. That's what this is called.

Mr. Mike Colle: We don't table private members' bills.

Mr. Michael Harris: Oftentimes—

The Chair (Mr. Grant Crack): Mr. Colle.

Mr. Michael Harris: Oftentimes, ministers and government are actually inclined to accept ideas from the opposition party and even the third party to strengthen bills. Many times, that happens. Unfortunately, the case with this minister and ministry and government—are not interested in strengthening the bill to make Ontario roads safer.

Interjection.

Mr. Michael Harris: I just thought I'd get that on the record. Thank you, Chair.

The Chair (Mr. Grant Crack): Thank you very much. Okay. So I shall call for the vote.

Mrs. Kathryn McGarry: Yes.

The Chair (Mr. Grant Crack): Those in favour of Mr. Harris's motion 28.1? Those in favour?

Mr. Michael Harris: Recorded vote.

The Chair (Mr. Grant Crack): Uh—

Mr. Michael Harris: All votes have been called to be recorded votes.

The Chair (Mr. Grant Crack): Is that correct?

Interjections.

The Chair (Mr. Grant Crack): Okay. Unfortunately, I was not here last meeting.

Mr. Michael Harris: Sorry, Chair.

The Chair (Mr. Grant Crack): So is there going to be a request for all recorded votes on the amendments or even on just the sections as we move forward?

Mr. Michael Harris: Just the amendments—for us.

The Chair (Mr. Grant Crack): Okay. So there will be recorded votes just on the amendments as we continue to move forward.

Ayes

Harris, Hillier, Mantha.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

We shall move on to section 54. There is amendment number 29.1, I believe, and it is a PC motion. Mr. Harris.

Mr. Michael Harris: Yes. I move that section 54 of the bill be amended by adding the following subsection—

The Chair (Mr. Grant Crack): This is 29.1; correct?

Mr. Michael Harris: Yes.

The Chair (Mr. Grant Crack): Okay. Thank you very much. I apologize.

Mr. Michael Harris: “(0.1) Section 191.8 of the act is amended by adding the following subsection:

“Same

“(2.1) A regulation under subsection (2) that permits off-road vehicles to be operated on a highway shall not,

“(a) restrict the class of off-road vehicle that may be operated on a highway to off-road vehicles that are designed to carry only a driver and no passengers; or

“(b) prohibit off-road vehicles that are designed to carry passengers from being operated on a highway when passengers are in the vehicle.”

The Chair (Mr. Grant Crack): Thank you very much. Further discussion?

Mr. Michael Harris: Yes.

The Chair (Mr. Grant Crack): Mr. Harris.

Mr. Michael Harris: This is something, obviously, as members should be well aware, that has been debated in the Legislature now for some period of time by all parties within the House—

Interjection.

Mr. Michael Harris: Yes. I think it's important to get the rationale on the record because it was over a year ago—November 7, 2013, to be exact—that the govern-

ment member, and I'll refer to him as the government member from Glengarry–Prescott–Russell, that being our Chair, put forward a motion to make rules fair for off-road vehicle drivers across the board. We continue to wait for that playing field to be levelled, as promised through regulation.

In the wake of more foot-dragging, we've seen the member from Timiskaming–Cochrane and, later this—the previous session or this session, but just previous Thursdays ago, my caucus colleague from Parry Sound–Muskoka, Norm Miller, also brought forth a private member's bill to step in where the government has stalled. Since the motion's passing, I've written, in fact, the minister on numerous occasions asking for the regulatory update.

In my riding, of course, we have New Hamburg's own Ontario Drive and Gear, which has been manufacturing the Argo since 1960—a vehicle that has a world-renowned reputation for its versatility in navigating difficult terrain. Of course, updating regulations to reflect what is available to safely ride between trails and properties on rural highways will generate greater demand for these Ontario products and, in turn, help create well-paying jobs.

It's something that needs to be updated because, today, we see different products on the roads, like side-by-sides and two-ups, that don't fit the characteristic of the regulation as it was defined to be an ATV or a one-driver-type vehicle.

1450

I will take some time, briefly, because I really do believe that this is one of the most important amendments to Bill 31, Making Ontario's Roads Safer, which does have all-party support and has been debated and debated in the Legislature, has been consulted on numerous times. I will go ahead and actually read verbatim the member for Glengarry–Prescott–Russell's remarks on this particular amendment, as per his motion in the Legislature. I'll start midway through the remarks, and I'll be speaking as if I'm him, but it's verbatim—again, I want the committee and Hansard to recognize this.

He goes on to say:

"I think what I'd like to do now is just maybe give a little bit of history"—and I think it's just so good that I'd rather read it in verbatim because it saves me doing it—"as to why this particular issue is important to me. I've always been an avid off-road vehicle enthusiast. I first purchased a dirt bike when I was 16 years old. I was able to use the trail system from home to go and work at the Glengarry Golf and Country Club. Back then, I paid \$150 for my Honda 70,"—I think I had a Honda 50, by the way—"and as I said, I used it daily. If I have time later, Speaker, I think I'll tell a little story about my father and an experience he had on his first attempt at operating that dirt bike"—or I'll perhaps let the Chair chime in on it later.

"Just until recently, within the last 18 months, I was an owner of a Honda 150 and my son, Calvin, had a Honda 100. We no longer have those particular dirt bikes at this

point, but I'm proud to say that I own a Polaris 600 snowmobile.

"Although I never have owned a four-wheeler, I have many friends—my brother-in-law, Jean Beriault is an avid four-wheelist. He uses it for hunting. I know they're used by farmers in our region and in rural Ontario—fishermen, trappers, a very handy utility tool that provides many different benefits to the rural economy.

"I really enjoyed my time having owned an all-terrain vehicle, in particular a motorcycle. In rural Ontario, it's part of life; it's a way of life.

"When I was mayor back in 2006,"—and again, for Hansard's sake, I'm quoting verbatim the remarks of the member in his previous session's private member's slot and his motion—"the previous council did not want to entertain allowing the use of four-wheelers on municipal roads. I ran in the campaign and said that I would fully support the use of all-terrain vehicles on municipal roads, and as such was fortunate enough to have council's support. So we passed the bylaw, and I can tell you that it was well received. During the following five years that I was mayor, there were just a number of small complaints. We've never had anything, that I'm aware of, serious in nature happen that would make me second-guess that decision that I had made.

"I know that over 90 municipalities in the province of Ontario have these types of bylaws. They're writing and have written letters of support requesting our government to allow for this change in the regulation.

"Basically, what I'm asking this House to support today is to allow four-wheelers to carry a passenger—they're called two-ups—and also for side-by-sides, which is a four-wheeled all-terrain vehicle that can carry a passenger. You don't have to straddle it; you can sit on it. I think these types of vehicles are manufactured in a very safe manner, and there should be no reason why we couldn't seriously entertain this.

"I just want to give some statistics. In 2012, there were 390,821 off-road vehicles registered in Ontario, and 151,985 of these were ATVs. According to the Canadian Off-Highway Vehicle Distributors Council, 11,320 new ATVs were sold in Ontario in 2012. The interesting point in this is, actually, new sales from 2006-12 were 14,287 units annually. So in the last year, 2012, the numbers have gone down. I think this regulation change would be very good for the industry, to regain some of the market share and really promote what's important to rural Ontario.

"I can tell you, the gentleman who first brought this to my attention was a gentleman by the name of Nil Boulet. He's part of the Ontario Federation of All Terrain Vehicles, and he was quite helpful in helping me to understand the regulation. Of course, he comes from Glengarry–Prescott–Russell, one of the greatest rural ridings in the province of Ontario. Having spoken with him and working with him, he has provided me with some more information that, in 2005, Canadians spent \$3.3 billion on ATV-related activities—sales, accommodations, fuel, that type of thing. The average age of an

owner of an ATV is 37 years old, and the average purchase price is \$10,000. Those are significant investments, and given the age of the average ATV user, it's obvious that these people are responsible. They are licensed. They follow the rules of the road. They respect the municipal bylaws. That I can attest to from personal experience, having been mayor.

"The all-terrain vehicle club of eastern Ontario, which has a number of members right in my riding of Glengarry–Prescott–Russell, not only represents the interests of its members but it is also able to ensure that ATVing continues to grow and be recognized as a safe and responsible form of all-season outdoor recreation. This mandate is accomplished through education and communication, promoting the safe, lawful and responsible use of ATVs.

"In my riding of Glengarry–Prescott–Russell, there are over 300 kilometres of trails, extending from my hometown of Alexandria right up to Lefaivre. I know in this House I've spoken about"—Lefaivre?

The Chair (Mr. Grant Crack): Lefaivre.

Mr. Michael Harris: Lefaivre; I'm sorry—"and La Foire"—

The Chair (Mr. Grant Crack): What?

Mr. Michael Harris:—"and La Foire gourmande"—

The Chair (Mr. Grant Crack): Oh, La Foire gourmande—a food fair.

Mr. Michael Harris:—"that's hosted there. There's a ferry there. In the winter, ATVs could utilize the ice bridge and could use the ferries coming from Quebec and Ontario—in particular the two-ups and the side-by-sides. This would create a great economic opportunity for more tourism because, in Quebec, there is a regulation in place that does allow for two-ups and side-by-sides to use the trail systems, to use the sides of the roads. Of course, the roads are all designated as to where they can travel and where they can cross at 90 degrees. So it is safe. They're responsible.

"I believe that if this regulation change were made, it would create more opportunities for different entry points across the province, in eastern Ontario in particular, since that's where I'm from, and in Arnprior and Pembroke. I think it would be great if I could get the support of everyone in this House to support my constituent in the eastern Ontario all-terrain vehicle club.

"I recently became aware also of a newly formed group. It's the Ontario Powersports Working Group. It's a coalition of leaders from across the province. They work together, promoting healthy recreational living, co-operative relationships with related stakeholders, trail stewardship, environmental conservation tourism, and growth and rider safety. I'm starting to learn a lot more about this organization, and I look forward to working with them.

"I had the opportunity to speak the other day—yesterday, as a matter of fact—with Glenn Draper from ATV Ontario, Wayne Daub from the Ontario Federation of All Terrain Vehicle Clubs, Peter Wood from the Ontario Federation of 4 Wheel Drive Enthusiasts, Dave

Grummett of the Ontario Federation of Trail Riders, Tim West and Ron Purchase of the Ontario Federation of Snowmobile Clubs, Robert Ramsay and Jo-Anne Farquhar of the Motorcycle and Moped Industry Council, and the Canadian Off-Highway Vehicle Distributors Council.

"I really appreciated their support on this, but I think one of the things that has brought more than just support for what we're attempting to do here is that we need to really take a serious look, and I would ask the ministry and the minister to take a look, at dirt bikes as well. As I said, I was an avid dirt bike enthusiast. I think they should be given the same privilege as the four-wheelers and two-ups. Perhaps some of my colleagues will be speaking to that as well."

I think that is where I'll conclude, but I think it basically reminds this committee that the amendment we've put forward today is widely supported by all members of this House. In fact, all members of each political party have spoken in favour of this exact amendment.

In fact, the amendment is a mimic of an NDP one by a member from the third party, John Vanthof, on this particular issue that was, again, endorsed in the Legislature some very few weeks ago. But more importantly, clearly, from our caucus's perspective, Norm Miller has been a champion of this regulation.

I really wanted the members who weren't in the House back when the member for Glengarry–Prescott–Russell debated his motion in the Legislature to understand that this is an important regulation that has long been studied, long been talked about, and we're at a point today with Bill 31 that we can finally move forward, so that folks who have two-ups and side-by-sides, like Argos, can safely ride on Ontario roads.

With that, I'll conclude my remarks, but I want to thank the member for Glengarry–Prescott–Russell for his eloquent remarks that he made previously.

The Chair (Mr. Grant Crack): Thank you, Mr. Harris, because I was just going to thank you for your eloquent summary of my remarks. Thank you bringing them into the Hansard of the committee.

Mr. Michael Harris: Just one point of clarification.

The Chair (Mr. Grant Crack): Mr. Harris.

Mr. Michael Harris: I did say it was the greatest rural riding of Ontario, but again, I want to remind committee members that I was reading that in verbatim.

The Chair (Mr. Grant Crack): Yes, it's one of the greatest. Thanks for the trip down memory lane.

Any further discussion? We'll go to this side: Ms. McGarry.

Mrs. Kathryn McGarry: Thank you very much, Mr. Chair. I appreciate all comments. Certainly, it has been an issue that has been brought forward on a number of occasions in the House.

1500

I just want to reassure the member opposite that this bill does currently contain a provision that removes a restrictive tire pressure reference from the HTA which allows municipalities to permit and regulate more kinds

of ORVs. We view this as the first step towards getting these vehicles onto the provincial highways.

Our government recognizes, certainly, the importance of balancing our road safety concerns with those of developing tourism benefits associated with increased mobility use for off-road vehicle users. Indeed, this was an important enough issue across the province that, under the direction of our minister, MTO staff were starting to meet with a diverse group of key stakeholders to develop the solutions for various off-road-related safety vehicles and issues, including extending on-road access, which strike the appropriate balance.

The most recent consultations were actually held January 15 and 16, 2015, where the staff and I were joined by 30 different stakeholder groups representing enforcement, public health, municipalities, industry, agriculture groups and trail organizations. I was able to address the group at the beginning of the day, and it was a fairly robust discussion.

I want to reassure the member opposite that discussions on these issues of on-road access were well received by the interested stakeholders. We're continuing to develop those consultations, so at this point I don't see that this amendment is necessary because we've already started down that road. We'll see results of those further public consultations later.

The Chair (Mr. Grant Crack): Thank you, Ms. McGarry. We'll go to Mr. Mantha and then Mr. Hillier.

Mr. Michael Mantha: Thank you. Basically I want to thank you for the work that we did together initially when you brought this bill up in the House through some of the petitions that we had introduced under 316/03—316/03 or 316/04? It's 316/03. We were looking at bringing in these changes in order to have proper access and having these vehicles on the roads. I know that we've had several discussions about this. If we were to have a vote right now and you would join us, it would probably be four against four, and then we'd have the Clerk to break the tie. Being the positive thinker that I am, that's the way I look at it.

There has been a lot of work that has been done on this, particularly by—also the member from Parry Sound—Muskoka has done quite a bit of work, and also John Vanthof, the member for Timiskaming—Cochrane.

Let's not kid ourselves. We know the impact of what this amendment could potentially mean. Individuals across this province who are presently today knowingly breaking the law—they want to be law-abiding individuals. I have to put a shout-out to the OPP, who—not all; many; a vast majority of them—have been very generous and understanding with individuals who are breaking the law. They're being forced to break the law in order to drive their vehicles on these roads.

In my area, what I wanted to share—and I shared this when I had some words in the House—is that the actual OPP officers followed these individuals, provided them safe guidance to their homes; no lights, no big ruckus, but when they did get home they followed them into their driveway, stepped out and went and had a chat with

them. They informed them that they were breaking the law—unbeknownst to these individuals, who had no idea they were breaking the law.

Here's the next part about certain officers who are big UTV and ATV advocates. They said, "Get a hold of your MPP. Give him a call. Give her a call. Let them know that we had this chat today." That has been going around all over the North Shore, on Manitoulin Island, in the north across my riding. I know other areas have also had that type of an understanding. This is something that we can do.

I was also encouraged because, when I looked initially at Bill 31, I looked at what the government had proposed, and I was a little bit—"What's this whole air pressure regulation thing?" Again, I enjoyed the discussions that I had with the Chair when we talked about this, that this was a step going towards ultimately getting these vehicles permitted to drive lawfully on our roads.

I was also encouraged when recently the member from Timiskaming—Cochrane brought in his private member's bill, and within four days after that member's bill came up, there was a request for comments that was put out by the Ministry of Transportation where that was shared across the province, where people can come in and start having the dialogue and the discussions so that we could actually get some of these changes done. It is hugely needed.

I'll go a little bit further and talk to you about what it means to the agricultural sector, who are so much in need of the request in this. These are the vehicles they use to do their day-to-day jobs, to get to and from. It's not just a matter of leisure opportunity; this is what they use. This is the equipment they use to do their jobs.

What it means to tourism—some of you might have enjoyed a tour in northern Ontario. But the link that this gives to the northern communities—we don't have parks, slides, roller coasters, museums or art shows that you have in southern Ontario; we have our fabulous community museums, and I encourage you all to come up north and view those. But we have our back roads. What you maybe view as bush, we view as a playground for us. We view a nice pile of mud and a 10-foot hole with 12 feet of water in it as a heck of a good time. Unfortunately, to get to those playgrounds we need to cross roads. Those are our playgrounds. That's how we live. That's who we are. We hunt there. We play there. But we also work there, so it's very important.

I want to touch also on an earlier debate that I was listening to from both sides of the table that was being bounced back and forth, where I listened to my colleagues from the Conservative caucus, who were talking about an important amendment that they had. This one, too, is an important amendment. I beg to ask the question to the Clerk: Has any amendment ever been successful at committee by having a discussion? I look around this table and I see a lot of experience with my Liberal friends. I look to this side and see a lot of experience with my Conservative members. Have any amendments at any point in time ever been successful at committee?

Mrs. Kathryn McGarry: On a point of order, Chair: Does this enter into discussing the amendment in front of us?

The Chair (Mr. Grant Crack): Thank you for the point of order. I don't think he has specifically asked the question yet. He's kind of more general. I'll decide shortly.

Mr. Michael Mantha: What I wanted to stress is that this is an important amendment and it is important to our party, the NDP—by having this discussion, I'm hoping to influence the government into making an amendment. I would think that this is what we're here for: in order to be successful in working collaboratively together in order to get some of our amendments moving forward. I'm not saying that—I'm not looking at getting every single one of them. But if you can work on one—one which is this one, which is extremely solid and very much supported by everybody—there's a possibility that we can move on it.

There's just one last thing that I want to touch on. This amendment, what it means to the economy, particularly across my riding—I was talking about connecting communities; this is the vital link that we have—and the importance of having this amendment done. When you have these groups that are circulating from one community to another, on an ATV you're looking at one or maybe two individuals on a vehicle. You sometimes get groups of about four, five or maybe 10 ATVs; you're probably looking at about 20 individuals. With UTVs, you're looking possibly at three or four. You're looking at families, you're looking at large groups and you're looking at a weekend event.

What does that mean? It means that you've now boosted that up to roughly about 40 to 60 people that are travelling these trails, that are having access to these roads and that are going from one community to another. What are they doing? They're renting rooms and buying gas. They're going into the restaurants. They're spending money in your community. They're spending time and looking at what you have to offer. You're creating an economy and you're bringing revenue to every single piece of the puzzle across this province.

If we're not going to do it here—which I hoped we would; I'm hoping that we can do this quickly. I'm very encouraged to continue working with the Chair, along with the members from Parry Sound–Muskoka, Timiskaming–Cochrane and everybody. If we can get this done now, let's do it now. I know it's taking it one step forward, adjusting the pressures, but if we can take that extra step, we all agree that this is something that would benefit us all. Let's do it.

1510

I'm not expecting an answer from the Clerk, but I would hope that in the time that I spend here as an opposition member, with the discussions that I'm going to be bringing forward or even the amendments that I'm going to be bringing forward, I might have the opportunity to influence the government in order to implement them. Whether it's a Liberal government, whether it's a Con-

servative government, whether it's the NDP, when we sit as a government—that will happen soon. As long as we can work together, I choose to believe that we can improve things. I made that choice.

I hope wholeheartedly that across the table you were actually listening to some of the comments that were made on the member's bill earlier and that are being made on this bill now, and that we can actually get these changes done. A good idea is a good idea, period.

I firmly believe that when I was first elected here—I am the first one who will stand and issue a comment saying, "Kudos. You did a great job. I'll give you credit." I'll also be the first individual to stand up if you're not doing a good job. I think that's the role of what opposition is supposed to do.

But, collaboratively, we should be looking at making communities safer and helping individuals who are struggling with the idea of breaking the law when they are just trying to help their community and getting themselves to and from their work or getting themselves to and from play.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Mantha. Mr. Hillier.

Mr. Randy Hillier: Just to follow up on the discussion on this amendment, a couple of items.

The member from Algoma–Manitoulin mentioned about the OPP being generous in recognizing that people are doing things safely, but are breaking the law. Unfortunately, that's not always the case. I had the occasion where a gentleman in my riding, a farmer in the southern end of the riding—his farm straddles two townships, which is pretty commonplace. He was using his UTV to go out and repair his fencelines on his properties and crossed the road and was ticketed for driving his UTV in repairing his fence.

Unfortunately, people are being fined for doing what we all recognize as the right thing to be doing. Using his UTV to repair his fenceline ought not to be considered offensive in this province. I can't see how anybody would believe that that activity is offensive and requires punishment, but that's the way it is right at the moment.

Now, once again, many OPP officers recognize the foolishness of the present legislation and, thankfully, they turn their backs to it. But there is an identified and specific group within the OPP whose mandate is to charge people on ATVs. The name of that group is SAVE; S-A-V-E is the acronym. We have had the occasion, and I have become aware of this, where people engaged in fundraising activities with bike runs and whatnot—ATV runs for the local church, for the local community—have been charged by that SAVE group of the OPP for these violations.

Before I get to my last point, I'll share with this committee that last summer, I went to Newfoundland. I took the ferry from North Sydney, Nova Scotia, to Argentia, Newfoundland. As I was in the parking lot waiting for the ferry—this is like a 10- or 12-hour ferry to go to Newfoundland—there were about 50 ATVs and UTVs on the ferry parking lot, so I went over to chat with

them. I said, “I’ve never seen somebody take an over-night ferry on an ATV. What are you doing?”

He said, “This is commonplace. We go over to Argentia, on the east coast of Newfoundland, and we ride our bikes for a couple of weeks, going across Newfoundland.”

They don’t have that problem of different municipal restrictions or requirements on their bikes. They go over and add to the economy, add to their own enjoyment, to everybody’s benefit, and add to economic prosperity. It’s not a bad idea. But here, we have these other restrictions, which, let alone attracting tourists into the province—we actually fine our farmers for using UTVs, let alone attracting tourism here into the province.

I want to make one final point. The parliamentary assistant said that there were consultations on January 15 and 16 of this year, and they met with over 30 stakeholders, and that there are changes within Bill 31 that would ease municipalities in changing their bylaws to allow this.

Specifically, what I’m going to request is this: Are you suggesting that the regulation defining what an off-road vehicle is will be modified and, if so, when? If I could have the parliamentary assistant answer that question for me.

The Chair (Mr. Grant Crack): I’m not sure if the parliamentary assistant—are you interested in responding to the request?

Mrs. Kathryn McGarry: No, not at this time.

The Chair (Mr. Grant Crack): Not at this time.

Mr. Randy Hillier: That’s what you stated to this committee, right? I want to know, and I think everybody wants to know, because if that is being done, then it will make this amendment redundant. If the government is going to redefine what an off-road vehicle is, then this amendment is redundant.

So I’ll again ask. You’ve stated categorically to this committee that you’ve met, that you’ve had consultations, and that there are alterations. The legislation is enabling, and I see it right here: “‘off-road vehicle’ means an off-road vehicle within the meaning of the Off-Road Vehicles Act.”

Will the Ministry of Transportation be altering the meaning, the definition, of an off-road vehicle through regulations, and if so, will you be doing it this year?

The Chair (Mr. Grant Crack): Thank you very much for your question.

Mrs. Kathryn McGarry: I’ve said all I’m going to.

Mr. Randy Hillier: So no response?

The Chair (Mr. Grant Crack): There is no response—

Mr. Randy Hillier: The parliamentary assistant refuses to answer a direct question.

Mrs. Kathryn McGarry: Point of order.

The Chair (Mr. Grant Crack): Point of order: Ms. McGarry.

Mrs. Kathryn McGarry: Thank you. I said what I needed to say earlier in my comments. I’m not going to be bullied. Thank you.

The Chair (Mr. Grant Crack): That’s not a point of order, but thank you very much.

Thank you, Mr. Hillier.

We’ll move to Mr. Harris.

Mr. Michael Harris: I guess we’ll go to the ministry, perhaps, to clarify the legal—because the parliamentary assistant did reference the fact that municipalities will be able to create bylaws, but will they be changing the definition of an off-road vehicle? I don’t think it will allow for that.

The Chair (Mr. Grant Crack): Mr. Harris has made a request to have a representative from the ministry come forward. Do we have the consensus of the committee to have another ministry official come forward?

Welcome, Mr. Purdy.

Mr. Michael Harris: I don’t know if you want to reference the specific section she referenced, and then answer how, perhaps, this amendment is addressed in that section.

Mr. Logan Purdy: The amendment is to create flexibility to remove the tire pressure. If the government does bring forward a regulation defining the ORVs that have expanded in the last 10 years, it would allow us to create a more free-flowing regulation.

1520

Right now, all I can say is that, similar to what MPP McGarry said, we had a consultation in January. It was quite successful—through over 30 stakeholders. I think, right now, as you might be aware, the ministry has posted on the regulatory registry, and that closes on April 13. Then we’ll provide our analysis on that to the ministry.

Mr. Michael Harris: I guess just more specifically as to what the parliamentary assistant said, that basically we don’t need this because the bill addresses it—but that’s actually not the case.

Mr. Logan Purdy: I don’t think we need the amendment at this point. It’s not what we’ve heard from stakeholders. Putting this in the legislation, based on the consultations in January, would make it more restrictive. The stakeholders see the need for it to be brought forward through regulation.

Mr. Michael Harris: That’s what this is calling for: a regulation.

Mr. Logan Purdy: Right, but it would be easier, in terms of a regulation, for the bill to pass removing that tire pressure prescription.

Mr. Michael Harris: But we’re not striking the tire pressure section. We’re adding a regulation that would change the definition to allow for more off-road vehicles to be on roads, like UTVs and ATVs.

Mr. Logan Purdy: But that doesn’t need to be defined in the legislation.

Mr. Michael Harris: No, I know, but she answered us, saying that this amendment is basically a moot point because we’re already addressing it in the act of Bill 31. But the amendment that we’re talking about is not being solved through the bill itself. That’s why we’ve added the amendment. I’m just asking you to confirm that.

Mr. Logan Purdy: Sorry? I’m not understanding—

Mr. Michael Harris: I'm just asking: The parliamentary assistant stated earlier on that to address the problem that we're trying to address through this amendment, that it, in fact, is being addressed in the bill by allowing municipalities to create bylaws so that ATVs and UTVs can drive on our highways, but that's not what we're—

Mr. Logan Purdy: The amendment in Bill 31 currently is removing the tire pressure prescription. In order for the government to move forward on allowing ORVs on the road, a decision will need to be made about bringing forward changes to regulation 316/03, which the government is currently consulting on through the regulation registry.

Mr. Michael Harris: Which, in essence, this does automatically, right?

Mr. Logan Purdy: I think, right now, the government is consulting. I think it's important to recognize—

Mr. Michael Harris: But this amendment does that, correct?

Mr. Logan Purdy: Not to my knowledge, no.

Mr. Michael Harris: This amendment is a regulation that would permit off-road vehicles to be operated on a highway. It should not restrict the class.

Anyway, we'll move on. I think my colleague has a question as well.

The Chair (Mr. Grant Crack): Mr. Hillier, was your question for Mr. Purdy?

Mr. Randy Hillier: Yes.

The Chair (Mr. Grant Crack): Okay. Mr. Hillier.

Mr. Randy Hillier: Just for clarification here: Your discussions and your consultations and comments—I think I heard you right—are finished on April 13?

Mr. Logan Purdy: Correct, yes.

Mr. Randy Hillier: Okay. And those consultations and discussions are regarding what an off-road vehicle is?

Mr. Logan Purdy: Well, there's a myriad of feedback that's—

Mr. Randy Hillier: There may be other things, but—

Mr. Logan Purdy: Expansion of what the ORV—to enable on-road access, essentially, for UTVs.

Mr. Randy Hillier: Okay. So they're having a meaningful discussion about what an off-road vehicle is. You have heard from 30 different stakeholders in this regard, or some group of stakeholders.

Mr. Logan Purdy: Yes; members of the public. I think there have been over—there has been significant feedback to the regulatory registry on what stakeholders would like to see.

Mr. Randy Hillier: Okay. Typically, we bring out new regulations—July 1 is a pretty nice day to bring out regulations. Without putting words in your mouth, but just to get a better understanding, was there an overarching view from the stakeholders and through those conversations that UTVs and two-ups and whatnot ought to be folded in with that meaning of off-road vehicle?

Mr. Logan Purdy: Yes, and I don't think the ministry is opposed to it per se. I think that once we wrap up the consultation on April 13 through the registry posting,

we'll take all that feedback into account and provide that information for decision-makers.

Mr. Randy Hillier: Okay. Thank you.

The Chair (Mr. Grant Crack): Mr. Mantha.

Mr. Michael Mantha: You talked about this regulation and the changes that are coming in under this section. You used the word “flexible.” It'll give you the flexibility by removing the reference “and low pressure bearing tires.” Can you give me the scope of what flexibility you're going to get and how that's going to work with you?

Mr. Logan Purdy: We want to be able to make sure that we remove that constraint of defining the “low-pressure bearing”, so that through the regulation there would be nothing in the legislation that restricts what off-road vehicles would be allowed. So we wouldn't want something in the legislation that restricts if there is an expansion—

Mr. Michael Mantha: And that low-pressure tire—correct me if I'm wrong—was it brought in or was it discussed based on the old three-wheeler model and—

Mr. Logan Purdy: It probably would have been dated back to—

Mr. Michael Mantha: Those old balloon tires?

Mr. Logan Purdy: Yes. I can't—

Mr. Michael Mantha: So the reference is to those tires. By removing that, this permits us—

Mr. Logan Purdy: It wouldn't have been the new expansion of—like single riders. So that's why we need to remove it.

Mr. Michael Mantha: Okay. Once this is out of the way, what's the rollout? Are you at liberty to share the shareholders that you had the discussions with in January?

Mr. Logan Purdy: Yes. We can definitely provide the list of stakeholders to you. There were over 30 from different—a cross-section of stakeholders including enforcement, public health officials, the industry itself.

Mr. Michael Mantha: Was there tourism—

Mr. Logan Purdy: Yes. There were different ministries there as well. I don't have the list off the top of my head, but I can definitely make sure that we provide it to you.

Mr. Michael Mantha: So were these government agencies you reached out to or were they actually—

Mr. Logan Purdy: These were a whole cross-section of stakeholders.

Mr. Michael Mantha: If you could indulge me, I would love to have that list. I would really appreciate it.

The comments—that is to be put out, to close on April 13?

Mr. Logan Purdy: Correct, yes.

Mr. Michael Mantha: And that is put out to the general public?

Mr. Logan Purdy: To everybody. We've had numerous stakeholders and members of the public who have commented on the issue.

Mr. Michael Mantha: Do we have a general number as far as the feedback that you've received on it, ballpark?

Mr. Logan Purdy: Ballpark, I think there have been over 900 responses, which is—

Mr. Michael Mantha: Really? I would have thought it would have been a hell of a lot more than that—I'm sorry, a heck of a lot more than that.

Mr. Logan Purdy: To be honest, that's quite a number. That's quite a significant amount of feedback on the registry.

Mr. Michael Mantha: Okay. Thanks.

The Chair (Mr. Grant Crack): Mr. Purdy, Mr. Mantha had made some requests for information. Any information, with all due respect, should be sent to the committee through the Clerk for distribution.

Mr. Logan Purdy: Sure. A list of stakeholders? I don't think that's a problem.

The Chair (Mr. Grant Crack): Yes.

Mr. Logan Purdy: Okay.

Mr. Michael Mantha: Thank you.

The Chair (Mr. Grant Crack): Ms. McGarry.

Mrs. Kathryn McGarry: Thank you very much. I appreciate all the comments from everyone in the room today. We have had lots of time to debate this. Certainly there have been opportunities for the members opposite to ask questions throughout this process. This bill was launched on October 21, and some have chosen to take advantage of asking questions of ministry officials; some haven't.

I think we've debated this long enough. I'm ready to move on. I don't want to see this bill held up and certainly appreciate the comments. We'll be taking this forward. But we need to get on to passing this legislation the municipalities are asking for.

The Chair (Mr. Grant Crack): Thank you, Ms. McGarry.

Mr. Michael Mantha: I agree with you. Like I said last week, if I would have had my way, we would have passed this a few days ago. But in all due fairness, I became the critic of this portfolio just a short while back. I did request the briefing as quickly as I could, and like I said, if I could have been involved from the beginning, I would have tried to make this bill that much better all the way through, but in all due fairness—

Mrs. Kathryn McGarry: It was Mr. Cimino before you.

Mr. Michael Mantha: Yes, it was MPP Cimino who was here before. So I'm just trying to be effective in my role. Please indulge me when I ask questions. I would have loved to have had this chat and this information before.

Mrs. Kathryn McGarry: We can connect—

Mr. Michael Mantha: Yes.

The Chair (Mr. Grant Crack): Thank you. With all due respect, Mr. Hillier, you wanted to make some closing remarks, and then I think we have had substantial debate.

Mr. Randy Hillier: Yes. I wasn't going to say anything else, but then when I heard that the government didn't want to have any more discussion, I figured I'd best say a few words.

I'm disappointed that we couldn't get a straight answer. I am glad that we did hear from Mr. Purdy regarding the process. We are hopeful that the various members from each party who have put forward this legislation to address this problem, including the Chair of this committee, are not disappointed with the consultation process and that, hopefully, this summer, farmers and others will be able to fix their fence posts and fencelines without fear of being ticketed in this province.

1530

The Chair (Mr. Grant Crack): Thank you, Mr. Hillier. I believe we have had substantial debate on Mr. Harris's motion, so I shall call for the vote. Of course, there is a recorded vote. Those in—

Mr. Michael Harris: Do you want to give up the chair so you can vote in this?

Mr. Michael Mantha: Chair, come and sit over here.

The Chair (Mr. Grant Crack): Thank you for that, but I'll call for the vote.

Ayes

Harris, Hillier, Mantha.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Mr. Randy Hillier: Point of order, Chair.

The Chair (Mr. Grant Crack): A point of order.

Mr. Randy Hillier: There was a question by the member for Algoma-Manitoulin in the last round which I failed to mention, and that is, in eight years of being on committees, probably involved with more committees than any other member of the PC Party, the first time I ever saw an amendment from the opposition pass was—I've seen two amendments pass that opposition members have passed in eight years.

The Chair (Mr. Grant Crack): Thank you very much, but that is not a point of order.

We're going to move on—

Interjections.

The Chair (Mr. Grant Crack): Order, please.

Mr. Michael Mantha: In all due fairness, what I just heard is there's hope, and where there's hope, you're going to find me at that table.

The Chair (Mr. Grant Crack): Thank you very much. We shall deal with section 54.

There are no amendments to section 54. Shall section 54 carry?

Mr. Mike Colle: There was a recorded vote called for on all sections. That was last day.

The Chair (Mr. Grant Crack): On all sections as well?

Mr. Mike Colle: On all sections.

Ms. Ann Hoggarth: Everything. Yvan Baker asked for it.

The Chair (Mr. Grant Crack): Okay. So we shall do recorded votes on all sections as well.

Ayes

Colle, Hoggarth, Kiwala, Mantha, McGarry.

The Chair (Mr. Grant Crack): Section 54 is carried.

We shall move to section 55. There is an NDP motion, number 30. Mr. Mantha.

Mr. Michael Mantha: I move that section 55 of the bill be amended by adding the following subsection:

“55(0.1) Subsection 199.1(5) of the act is repealed and the following substituted:

“Same, other persons

“(5) If a person specified in the regulations determines that a vehicle is irreparable or is salvage or has been misclassified as salvage when it is irreparable, the person,

“(a) shall notify the registrar that the vehicle is irreparable or is salvage or has been misclassified, as the case may be, and shall do so within the prescribed period; and

“(b) shall give the registrar the prescribed information in the prescribed manner.”

The Chair (Mr. Grant Crack): Further discussion? I shall call for the vote. It is a recorded vote.

Ayes

Harris, Mantha.

Nays

Colle, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

We shall move to NDP motion 31. Mr. Mantha.

Mr. Michael Mantha: I move that subsection 199.1(12) of the Highway Traffic Act, as set out in subsection 55(1) of the bill, be struck out and the following substituted:

“Submissions re classification

“(12) A person who holds the vehicle portion of the permit for the vehicle may make written submissions about the action taken by the registrar under subsection (10).”

The Chair (Mr. Grant Crack): Further discussion? Mr. Harris.

Mr. Michael Harris: I guess, from what I’ve read, that this is—that the pink slip in your vehicle is no longer required.

I do believe that the insurance bureau, or the insurance brokers’ association—when I’ve met with folks like Steve Wagler from Josslin Insurance in my community—that it’s something that they’ve long asked for.

We bank on our phones; we store a lot of information in our phones. These slips come frequently throughout

the year, or annually, and to be able to produce it, which I believe this would allow for, on a mobile device—is that what I’m reading into this, assuming that’s the case?

Mr. Michael Mantha: To have it on a mobile device?

Mr. Michael Harris: To not have to have the pink slip if you were pulled over, right? Is that what it’s basically stating? I don’t really have any notes here.

The vehicle portion—

Mr. Michael Mantha: It’s just in regard to notification when your vehicle is being classified as—it is how it’s being labelled. It’s that the individual have the opportunity to report or question how it was labelled.

Mr. Michael Harris: Good enough. All right.

The Chair (Mr. Grant Crack): Okay, any further discussion?

I shall call the vote. It’s a recorded vote.

Ayes

Mantha.

Nays

Colle, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

We shall move to section 55. No amendments—well, we are on section 55.

Shall section 55 carry? Recorded vote.

Ayes

Colle, Hoggarth, Kiwala, Mantha, McGarry.

The Chair (Mr. Grant Crack): The motion is carried. Section 55 is carried.

Mr. Michael Mantha: Chair?

The Chair (Mr. Grant Crack): Sorry?

Mr. Michael Mantha: Just a point of order.

The Chair (Mr. Grant Crack): Yes, a point of order.

Mr. Michael Mantha: I want to ask the Clerk a question. It comes from the last time we were here, in regard to how we were voting on particular sections and then the amendments.

The Chair (Mr. Grant Crack): What is the question?

Mr. Michael Mantha: I may be wrong, but when we were here last week, when the Chair, Mr. Crack, was here, this is how I understand that we were following through.

But when the Chair was changed and Mr. Dickson was in, we were following a different format in regard to voting. We were actually voting on the section before the amendments were coming in.

The Chair (Mr. Grant Crack): I was not here. Madam Clerk?

The Clerk of the Committee (Ms. Sylwia Przewdziecki): No, the procedure is to deal with any amendments to a section and, once the amendments have been

dealt with, to then vote on the section. There was no deviation from that procedure.

Mr. Michael Mantha: Is that how we were doing it with Chair Dickson last week?

The Clerk of the Committee (Ms. Sylwia Przedziecki): Yes.

Mr. Michael Mantha: Really? Because I thought that we were voting—and again, correct me if I’m wrong; and I know I’m wrong often. We were dealing with the particular section, and then we were having discussions on the amendment.

The Chair (Mr. Grant Crack): I think perhaps there could have been some confusion when there was a new section being added. For example, there was a motion to add a new section on section 53. That would come after you’ve dealt with section 53.

Mr. Michael Mantha: All right, so the process is that you deal with the amendments, and then you deal with the whole section, as far as being carried or not.

The Clerk of the Committee (Ms. Sylwia Przedziecki): Correct.

The Chair (Mr. Grant Crack): Correct, and again, as I have just indicated, that if there was a new portion of the section, like 53 or 53.1, which would be a new section—so I think there might be some clarification—

Mr. Michael Mantha: There was quite a bit of confusion here last week.

The Chair (Mr. Grant Crack): Let’s hope there is no confusion today.

Mr. Michael Mantha: You’re doing a great job.

The Chair (Mr. Grant Crack): I’d like to thank you very much for that compliment.

We shall move to section 56. We have a Progressive Conservative motion, number 32. I believe there was an addition, 32.1.

Would you prefer to introduce 32 or move straight to 32.1?

Mr. Michael Harris: Yes, 32.1.

The Chair (Mr. Grant Crack): Mr. Harris will be introducing PC motion 32.1. Mr. Harris—oh, Mr. Hillier.
1540

Mr. Randy Hillier: I move that section 203 of the act, as set out in section 56 of the bill, be amended by adding the following subsections:

“Copies of reports

“(2.1) A prescribed person who makes a report under subsection (1) or (2) shall send a copy of the report to the person who is subject of the report.

“Confirmation of receipt of report

“(2.2) The registrar shall,

“(a) upon receipt of a report under subsection (1) or (2), send notice of receipt of the report to the person who is subject of the report; and

“(b) within 30 days of receipt of the report, advise the person who is the subject of the report of any actions that the registrar may take under the act as a result of the report.”

I don’t know if that’s clear to people—

The Chair (Mr. Grant Crack): No, it’s not. There were just two errors—not errors, but perhaps the text on my copy is different. I just want to verify.

Mr. Randy Hillier: Motion 32.1?

The Chair (Mr. Grant Crack): When you say (2.1)—could you read (2.1) again and then (2.2)(a), if you could just clarify that, please?

Mr. Randy Hillier: “Copies of reports

“(2.1) A prescribed person who makes a report under subsection (1) or (2) shall send a copy of the report to the person who is the subject of the report.”

The Chair (Mr. Grant Crack): Who is “the” subject, yes. Okay. Then 2.2(a).

Mr. Randy Hillier: “(2.2) The registrar shall,

“(a) upon receipt of a report under subsection (1) or (2), send notice of receipt of the report to the person who is the subject of the report; and”

The Chair (Mr. Grant Crack): Thank you very much. Discussion? Mr. Hillier.

Mr. Randy Hillier: Thank you very much, Chair. Medical reviews and the subsequent consequences of them are increasingly a concern of my constituents when they come to the office, having found out that they’ve lost their licence. There is no reporting mechanism right now, when an individual meets with a health care professional, for that health care professional to inform the constituent of their diagnosis. There is a requirement for that health care professional to inform the ministry, but not the patient.

This has led to a number of situations where the health care professional has informed the MTO. The MTO has subsequently revoked or suspended that person’s licence based on the information provided by the physician, or whoever, and who by law immediately suspends the licence. The individual is driving around under the honest belief that their licence is valid. But should they get pulled over—and increasingly that’s easier now with the technology that we’re employing that identifies licence plates and who the registered owners are of those plates without pulling a vehicle over. The police can know who is basically driving that vehicle without pulling them over now. If they’ve had their licence suspended because of a health care professional, then they’re subject to even greater fines and greater consequences.

This amendment speaks to that gap and that failing that, right at the moment, there is no notification required. I can give you many examples. Here’s one—I can use the individual’s name. His name is Doug Devries, from my riding. He went to see the doctor about possible memory losses. He wanted to see if there was anything else that he could be doing, whether it be nutritional or whatever, and the doctor—because he’s prescribed by law, the doctor must inform MTO, and he did. Doug continued to drive. He was pulled over and he found out that his licence was indeed suspended. He called MTO and MTO says, “Yes, your licence is suspended. If you want us to review it, we will need 30 business days to review that diagnosis of the physician.”

I want to just give some further context to the committee here. Under this act, the numbers and the breadth

of health care professionals who will have obligations to report conditions to MTO—

Mrs. Kathryn McGarry: Point of order, Chair.

The Chair (Mr. Grant Crack): Point of order, Ms. McGarry?

Mrs. Kathryn McGarry: I just want to remind the member opposite that your constituent's private information being spoken about in a committee—

Mr. Randy Hillier: He's given me consent.

Mrs. Kathryn McGarry: And do we have a copy of that written consent?

Mr. Randy Hillier: He has given me consent.

Mrs. Kathryn McGarry: But has he given a written consent that—

Mr. Randy Hillier: Yes, yes. He has given me written consent.

Mrs. Kathryn McGarry: Okay. Could you provide that to the rest of the committee, then?

Mr. Randy Hillier: At some time. Not right at the moment. I don't have it with me.

Mrs. Kathryn McGarry: Thank you.

The Chair (Mr. Grant Crack): Thank you very much. It's not a point of order, but thank you, Mr. Hillier, for agreeing to provide the committee with consent. Continue.

Mr. Randy Hillier: Anyway, under this legislation, the breadth of health care professionals who will be obligated to inform the MTO of conditions of people is expanded greatly. I'm not sure if the committee is aware of this, but veterinarians are now included in this list. Now, I don't know how or why veterinarians would be making diagnoses of people who have drivers' licences. My dog has never had a driver's licence. But there's a whole number of people—

Mrs. Kathryn McGarry: This is good to know. It's good to know.

Interjections.

Mr. Michael Harris: Maybe we should let him, if he can.

Mr. Randy Hillier: Naturopaths are now included in this. Midwives and denturists are included. Kinesiologists, dietitians—a whole raft of health care professionals are now obligated, or may be obligated, depending on what their consultation with their patient is, to inform the MTO.

Chair, I think we have a duty and an obligation by the state—if the state is going to take an action against an individual, at the minimum we have a duty to inform that individual first, especially if there are serious consequences—and driving under suspension is a serious consequence, not only monetarily but also demerit points, etc.—and also for the constituent to have the ability to rebut.

I have another individual—and again I have consent to use the individual's name. Courtney O'Halloran went to see a doctor because she felt dizzy. The doctor said on his initial consultation that it was possibly seizures, but during the consultation, or afterwards, they found out it was an ear infection. I think we all know people who

have had some period of dizziness over an ear infection, vertigo or whatever. They're not always seizures.

Anyway, her licence was revoked and suspended, and because it got into the process, the only way to extricate herself from that process was to pay for a medical review, which cost her \$700. This lady was not very—\$700 was a substantial amount of money. It was a significant hardship.

1550

Just again to put it into context—I know for some members of the committee this doesn't need to be stated, but for others who represent more urban areas, it may be important to emphasize this: The loss of one's licence in rural Ontario is the loss of one's independence. It's a loss of their mobility, their ability to do the important and necessary day-to-day things in life. Unlike a major urban centre where you have subways and trolley cars and whatever, many, many means of transportation, those means of transportation or modes of transportation are much less available in rural Ontario.

So these individuals, when faced with this, indeed have their independence and their mobility taken away from them with significant consequences. I really would implore the committee to understand fully what this is doing. This is not changing what the physicians have to inform the MTO about. It's not reducing it. This is a duty to report, an obligation to inform.

I could go on with many other examples of this, but I don't think it's necessary. I think it should be intuitive to everybody on this committee that when an individual goes to the physician, the veterinarian or whoever it is now under this expanded list, if that health care professional is going to inform the MTO, they have the same obligation to inform their patient. The MTO then has an obligation to inform the person to whom the consequences apply.

The Chair (Mr. Grant Crack): Further discussion? We'll go to Ms. McGarry.

Mrs. Kathryn McGarry: I just wanted to point out that the Ministry of Transportation has a notification process through a public service commitment. That requires a 30-day response period. In 2013, MTO had a 92% compliance rate of meeting the 30-day commitment. For the opposition to say that there is no process is not really the case. And regarding vets, as we know, dogs don't drive—at this point, anyway.

Mr. Michael Harris: Thank you.

Mrs. Kathryn McGarry: It was important to point that part out.

The Chair (Mr. Grant Crack): Thank you—

Mr. Michael Harris: I'll defer to my colleague and then come back to it, if that's the case.

The Chair (Mr. Grant Crack): Mr. Hillier and then Mr. Harris.

Mr. Randy Hillier: That's an important consideration. There's a public service commitment; it's not a statutory obligation—a big, big difference. As the parliamentary assistant said, they had a 92% success rate over some period of time. I'm not sure what that period of

time was, whether it was over a week or a year or 10 years, but regardless of the duration that that 92% applies to, fully 8% did not get notified. Doug Devries was one of those who didn't get notified. But when we're dealing with serious penalties against individuals who otherwise are law-abiding and wish to be law-abiding, we shouldn't penalize people for wanting to abide by the law. That is just patently unjust, unfair, and it has hurtful consequences.

I can share with this committee: I've been part of that 8%, not in the medical review but in the public service commitment to notify. It happened a few years ago. I had a retired OPP officer who lives down the road from me. He was then, at that time, volunteering—helping people in the courthouse in Perth. He had been with the OPP for 35 years. He lives just down the road from me. He was on the same, at the time, rural route address as me. He came into my office because he had been pulled over and got a ticket because he was driving without a licence. His licence had expired and he wasn't aware of it.

Of course, we usually get a notification in the mail to inform us that our licence needs renewal. This retired OPP officer swore up and down that he had not been notified. Of course, unless you get pulled over, you don't check your—I don't check my driver's licence very often. I only check it if I get pulled over. I'm a little bit old to be asked for ID if I'm in a bar and whatnot—

Mr. Michael Harris: You've got to go to a bar first, though, Randy.

Mr. Randy Hillier: But here's the point that I'm going to make with this: I spoke with the ADM of the Ministry of Transportation, and he was confident that they make no errors; their database is perfect, and that this retired OPP officer—it was too bad, so sad.

He also had to restart as a graduated driver. He had to do a medical review because of his age and was deemed to be a first-time driver, and he was not allowed to drive on the 400 series in the evenings, this retired OPP officer. The next week I received a notification from the Ministry of Transportation as well. It was interesting because on the outside of the mail-out to me, it said, "Randy Hillier, RR 5, Perth, Ontario." There was a handwritten note on it: "not RR 5; RR. 3." I opened up my vehicle registration renewal and they have my home address as RR 3 and they had my mailing address as RR 5. Errors do happen.

I showed that to the ministry, that errors do happen: 92%, when we're dealing with the law, is not good enough. We must strive to ensure that law-abiding citizens of this province are not harmed by the very laws that we enact to protect them.

This amendment speaks directly to it. It puts that duty and that responsibility on the health care professional, not just to inform the government but to inform their patient. I can't believe or understand why anybody would not want to ensure that knowledge is not part of the law. Thank you very much.

The Chair (Mr. Grant Crack): Thank you, Mr. Hillier. Mr. Harris.

Mr. Michael Harris: Yes, just a couple of comments. I think we've seen this in the media more recently, as a

recent case came to light. I think it's important that the committee, for those who weren't aware of it, know about it.

It was a Scarborough man who got his licence back but credited Global News for it. In fact, "David Wallace, 67, can once again legally drive, but his brush with government bureaucracy has left him fuming.

"Initially diagnosed by an emergency room doctor as having had a mini-stroke, Wallace's driver's licence was automatically suspended. Even though within days a neurologist gave him a clear bill of health, attributing his medical troubles to an allergic reaction, Wallace was faced with a 30-business-day wait to get his licence back." So 30 business days: roughly almost a month and a half at least—a month and a half—

Ms. Ann Hoggarth: Thirty business days?

1600

Mr. Michael Harris: Yes.

"A waiting time the Ministry of Transportation called 'reasonable.'"

So, 30 business days, a month and a half—that's reasonable? That's why we're proposing this amendment.

"If it wasn't for Global News, I would still be sitting here frustrated," said Wallace, crediting media coverage for speeding up the process after ministry employees initially claimed it would be at least another three weeks until his file was processed.

"The original story on Wallace prompted numerous email to Global News from other drivers in similar situations, and opposition MPPs say calls from frustrated suspended drivers is one of the main complaints to their constituency offices."

I don't need to tell you that each one of you likely gets calls in your constituency on this same issue. That's why today, I ask that you support this amendment, in the hopes that we can help drivers get some clarity, perhaps, around their situation.

"The most recent figures for Ontario show more than 26,000 drivers had their licences suspended. Calls to the ministry hotline to begin the process of getting driving privileges back numbered more than 280,000 in the same year.

"For Wallace, getting someone to actually pick up the phone was a tall order. He says he waited on the line for hours at a time several different times and once even at 3:30" in the morning.

"No one ever answered," he said.

"With some help from his tech-savvy daughter, Wallace posted the Global News story to Twitter" etc. "He says the unwanted attention for the government clearly helped his case.

"For the government to say they are serving drivers is spurious," Wallace said.

Of course, the ministry denied the claims.

Then there was also this quote: "The head of the Ontario Safety League says the government has to do better.

"We have to get it far faster than that. Especially when the medical community can give a clean bill of health and we're just waiting for a review of that decision...."

I think it's important that the committee knows—we all want our roads to be safe. There are those out there with medical concerns who, obviously, under supervision of—medical professionals have said that they are not fit to drive. That's not what we're talking about, whether they should get their licence back quicker or not. It's the time that it takes to review a file. That's what we're talking about.

Obviously, we want to take the time to review and make sure we get it right. Absolutely; we agree with that. But it's the time to actually get the folks to review the file that's the problem. Thirty business days is ridiculous. That's why we're taking a stand on behalf of the many, many constituents. In fact, if you take 8% of 26,000 people, that's thousands of Ontarians who currently are being disenfranchised because their file is not being reviewed in a timely fashion.

I don't know if we have to get more people on board to be able to help review this, or managers assisting front-line folks to review these files. Clearly, if there's an enhanced medical situation, they elevate that to a medical professional. That is obvious, that that potentially could take time. We are simply asking for that individual to be notified of that. Currently, many people are in fact driving without a licence and they don't even know it. They don't even know that their licence has been suspended. Many are trying to find out if their file has even been reviewed, and they're not able to know.

That is simply what this amendment is calling for. Again, my colleague spoke to section 203, that deals with this. It's actually section 56. I'll be able to speak to the section later.

Again, this is the crux of it: We are simply asking for this notice that would require a review and response within 30 days, providing the ministry with one month as opposed to business days, to ensure that subject motorists are not forced to unduly put their lives and livelihoods on hold, simply for an automatic review.

Again, it's not to get your licence back. It's simply to review the file. It's far too long to have to wait. We've all experienced this, and you all know that. So let's do what's best for our constituents and put this guarantee into place.

The Chair (Mr. Grant Crack): Thank you very much. If there is no further discussion—

Mr. Randy Hillier: No—

The Chair (Mr. Grant Crack): Mr. Hillier has asked for copies to be provided to members of the committee, so the Clerk will make those. Is it a priority that it be done right now?

Mr. Randy Hillier: No, I'll let the Clerk do that. I'll make a few more comments while the Clerk is getting that copied.

The Chair (Mr. Grant Crack): We'll look forward to those comments. Madam Clerk—

Ms. Sophie Kiwala: Excuse me.

Ms. Ann Hoggarth: Copies of what?

The Chair (Mr. Grant Crack): Pardon me? Well, Mr. Hillier has a document—

Mr. Michael Harris: Correspondence.

The Chair (Mr. Grant Crack): —“correspondence” is a good word for it—to share with the committee. That is within order. Mr. Hillier?

Mr. Randy Hillier: For the committee's knowledge, it is just the expanded health care professional list of who will be having an obligation to report to the MTO a concern that they may have about somebody's ability to drive. That is the list that includes veterinarians, as well as the denturists etc.

Just picture this: We're going to have all these health care professionals—many, many thousands. We know that there are about 30,000 physicians in the province. When we expand that list out to include everybody else, I would hazard a guess we're into the hundreds of thousands, when we look at nurses, midwives, dentists, denturists and veterinarians. They will all have a statutory obligation to report.

Mr. Mike Colle: Point of order, Mr. Chair.

The Chair (Mr. Grant Crack): Point of order.

Mr. Mike Colle: I think we've discussed this amendment long enough, and thoroughly. We've all been enlightened about this serious situation, and I think we should vote on it.

The Chair (Mr. Grant Crack): Okay. Thank you very much. I'll just allow Mr. Hillier a few more minutes to wrap up.

Mr. Michael Harris: We come back to that in section 56.

Mr. Randy Hillier: I don't want to drag this on, but just for the members' knowledge, I have 20 minutes of speaking to this matter.

Mr. Michael Harris: Uninterrupted.

Mr. Randy Hillier: So, as I was saying, hundreds of thousands of people have a statutory duty to report to the MTO, but they don't have a duty to inform the individual who is impacted or affected. Going back to the parliamentary assistant's comments about a public service commitment, that is a policy; it is not an obligation. It is not law. What this amendment does is it takes that public service commitment and makes it a statutory obligation that the MTO must—not may, but they must—then inform the person who is impacted.

If we're going to put that statutory obligation on hundreds of thousands of health care professionals, why is it not that the government also takes that statutory obligation seriously, and not just as a commitment? In this bill, we're not saying to these hundreds of thousands of health care professionals, “Well, maybe we want you to report—maybe, if you'd like, to report. We'd like to have 92% of the health care professionals report.” No. They want 100% of the health care professionals to report.

Why not have the same expectations of our government, in law, as we do of our health care professionals? There is an old adage and principle in law that ignorance is no defense. But when the law actually permits and creates ignorance because they do not have a duty to inform, then that is a travesty. I believe that old adage of “Neither prince nor pauper is above or below the law,” but here we can see that the government thinks the

paupers are subject to the law, but the princes will just have a public service commitment. Unfortunate.

The Chair (Mr. Grant Crack): Okay. Thank you very much.

There has been a request for a recorded vote. Mr. Hillier has moved motion number 32.1.

1610

Ayes

Harris, Hillier, Mantha.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

We shall move to the actual section. There are no amendments—

Mr. Michael Harris: Comments?

The Chair (Mr. Grant Crack): Comments: Mr. Harris, on section 56.

Mr. Michael Harris: I know that the Clerk will be passing out, for the educational purposes of the committee, for the members who don't know, but this section—the Progressive Conservative Party will be recommending that you vote against it.

I know my colleague spoke to it initially, but this is going to create an open-ended power to create longer lists of designated professionals who can report medically unfit drivers. We've talked about how the review system is the bane of many of our constituency offices, and there are long-standing concerns over issues where healthy, diligent drivers are having their licences stripped away from them for months at a time while they put their lives on hold. We question just what is being proposed to fix this broken system.

Clearly now, we've got the detail of a list, and I think it's important so that Ontarians—the motorists of Ontario—know who will actually be included in this list. I'm going to read it into the record—

Mr. Randy Hillier: Don't forget the massage therapist.

Mr. Michael Harris: Acupuncturist and traditional Chinese medicine practitioner, audiologist and speech-language pathologist, chiropodist, chiropractor, dental hygienist, dental technologist, dentist, denturist, dietitian, kinesiologist, massage therapist, medical laboratory technologist, medical radiation technologist, midwife, naturopath, nurse, occupational therapist, optician, optometrist, pharmacist, pharmacy technician, physician and surgeon (doctor), physiotherapist, psychologist, respiratory therapist, veterinarian.

Conceivably, it also means that the minister will be able to empower a broader range of professionals to report drivers who they think could pose a road safety risk.

Obviously, there are also details that we need to see. That's why we can't support section 56, calling for

unnamed persons to be prescribed by regulation and required to report medically unfit motorists.

Without that service guarantee that this committee, or the government members, recently struck down, there are going to be more and more backlogs at the MTO for motorists who are medically fit, or not, and who simply are going to have their file put at the bottom. You've got 30 days—I guess now I understand why you voted against that, because you're now expanding the coverage of who can actually take your licence away, and the time that it's going to take for it to be reviewed, based on the current scenario, is going to be extremely lengthy.

When I get those phone calls, I'll be forwarding them to you to figure out, and you can explain to them why it's taking 90 days to review their file.

I don't know if we should ask the ministry who in fact that they feel would be covered under this so-called list, other than these people. But I'll leave it at that.

I think it's pretty obvious that we're not enthused about the additional coverage. And I know now—the changes recently—that these professionals are being paid to do this. They're being paid. So how much is this going to cost?

We heard reasons from the government side earlier, that they wouldn't be able to support our amendments because it was going to add costs to the bill. How much does this cost? Has it been costed out yet? I believe medical professionals get \$35 every time that they fill out the paperwork to do this—so times that by X amount.

Thank you.

The Chair (Mr. Grant Crack): Thank you, Mr. Harris.

Mr. Hillier?

Mr. Randy Hillier: Thank you, Chair. I'd like to just inform the committee of a discussion that I had with Ministry of Transportation staff. I think everybody here in this committee will recognize and understand that there's an MPP liaison individual from every ministry to assist members who have concerns, or have constituents who have raised concerns, and are seeking some sort of resolution. In the MTO, you have a specified individual who is in that role, but strictly for medical reviews. She has been with the MTO for a good long period of time. She's probably more knowledgeable about the law regarding medical reviews than anybody else in the province. I would strongly recommend to and urge the members on this committee to call her up and ask her her view of what is happening.

Her name is Elena—a fine, fine individual. I suggested to the Minister of Transportation—I asked him if he'd ever spoken with Elena and gotten a rundown about the difficulties and the troubles and the problematic application of these laws, and, of course, the minister hadn't. I suggested that it would be well worth his time, to get insight into the practical application of the law, to sit down and speak with the MPP liaison for the ministry who deals with medical reviews. He might be surprised and shocked at just how many troubles and at the hurtful consequences that good, law-abiding people in Ontario are facing.

That is before this expanded list. That's where much of that amendment comes from: just speaking with the employees of the MTO who have to deal with these problems and taking their advice that people need to be informed. I think we do a disservice when we don't listen and when we don't heed thoughtful advice and thoughtful recommendations, and we just move forward in a partisan fashion without consideration for the practical applications of the law.

The way section 56 stands right at the moment, we'll be voting against it. This committee really needs to reflect on its purpose and its value here. The member from Algoma-Manitoulin mentioned earlier how he has never seen an amendment passed; not many amendments are. I think I said that in eight years here at the Legislature, being involved with many, many committees and many, many bills, I've only ever seen two opposition amendments pass, and there are a lot of good amendments there.

We have a duty to ourselves and to our constituents to listen, to heed, to seek out fact, to seek out truth, to act on those and make our laws better, because at the end of the day, we are the lawmakers in this province. When we craft faulty law, we do a disservice to this institution as well as to our constituents.

The Chair (Mr. Grant Crack): Thank you very much. There being no further discussion, I shall call for the vote on section 56. Shall section 56 carry? It's a recorded vote.

Ayes

Colle, Dickson, Hoggarth, Kiwala, McGarry.

Nays

Harris, Hillier, Mantha.

The Chair (Mr. Grant Crack): Section 56 carries.
1620

We have two sections, 57 and 58, that have no amendments. Shall I bundle them? I'll call for the vote. Shall sections 57 and 58 carry?

Ayes

Colle, Dickson, Hoggarth, Kiwala, Mantha, McGarry.

The Chair (Mr. Grant Crack): Sections 57 and 58 carried.

There has been a proposal for a new section by the Progressive Conservatives, number 58.1. Mr. Harris, will you be introducing the new section under 33.1 in our binder or 33?

Mr. Michael Harris: Yes, 33.1, right?

The Chair (Mr. Grant Crack): Okay. Thank you very much. Would you like to read it into the record please?

Mr. Michael Harris: Yes, sure.

The Chair (Mr. Grant Crack): Enjoy.

Mr. Michael Harris: I know; it's a long one.

I move that the bill be amended by adding the following section:

"58.1 The act is amended by adding the following section:

"School bus camera system evidence

"210.2(1) Subject to subsection (2), a photograph obtained through the use of a school bus camera system shall be received in evidence in a proceeding under the Provincial Offences Act respecting an alleged offence under subsection 175(11) or (12) of the Highway Traffic Act.

"Conditions

"(2) The photograph must comply with the requirements of the regulations made under clause (7)(b).

"Certification of photograph

"(3) A photograph that purports to be certified by a provincial offences officer as having been obtained through the use of a school bus camera system shall be received in evidence as proof, in the absence of evidence to the contrary, that the photograph was obtained through the use of a school bus camera system.

"Use at trial

"(4) In the absence of evidence to the contrary, a photograph of a vehicle obtained through the use of a school bus camera system is proof that information shown or superimposed on the photograph that was authorized or required by a regulation made under clause (7)(b) is true, and that,

"(a) the vehicle and its driver did not stop before reaching the school bus and the vehicle and its driver proceeded before the bus moved or the overhead red signal lights stopped flashing, contrary to subsection 175(11); or

"(b) the vehicle and its driver did not stop at least 20 metres before reaching the school bus and the vehicle and its driver proceeded before the bus moved or the overhead red signal lights stopped flashing, contrary to subsection 175(12).

"Conviction

"(5) No person who has entered a plea of not guilty at trial shall be convicted of an offence on the basis of a photograph obtained through the use of a school bus camera system unless the photograph is tendered in evidence at trial.

"Procedure, rules of evidence

"(6) Sections 205.16 and 205.24 apply, with necessary modifications, to proceedings based on evidence obtained through the use of a school bus camera system, and, for that purpose, references to subsection 144(18) shall be read as references to subsections 175(11) and (12).

"Regulations

"(7) The Lieutenant Governor in Council may make regulations,

"(a) defining "photograph" for the purposes of this part;

“(b) governing the form and content of photographs for the purposes of subsection (2), including information that may be or must be shown or superimposed on the photographs, and prescribing a system of codes, symbols or abbreviations that may be used to convey the information;

“(c) prescribing what constitutes a school bus camera system;

“(d) governing the filing of photographs in court for the purposes of this part;

“(e) governing the service of offence notices issued in proceedings based on evidence obtained through the use of school bus camera systems, including deeming service to have been effected on a date determined in accordance with the regulations;

“(f) prescribing what constitutes evidence of ownership of a vehicle or evidence of the identity of a driver for purposes of this part;

“(g) prescribing the form of certificate that a conviction has been struck out.”

The Chair (Mr. Grant Crack): Thank you very much, Mr. Harris. If you could just, on the second page, under “Procedure, rules of evidence,” right in the middle, reread that first—

Mr. Michael Harris: “(6) Sections 205.16 to 205.24 apply....”

The Chair (Mr. Grant Crack): Perfect. Thank you very much. I believe, also, if you could just reread (e)—

Mr. Michael Harris: “(e) governing the service of offence notices issued in proceedings based on evidence obtained through the use of school bus camera systems, including deeming service to have been effected on a date determined in accordance with the regulations;”

The Chair (Mr. Grant Crack): Thank you very much, Mr. Harris. Any further discussion? Mr. Nicholls.

Mr. Rick Nicholls: Thank you very much, Chair. First of all, it’s a pleasure to be here today and have an opportunity to address this particular amendment.

I’m seeking co-operation from all sides in this committee with regard to amendment 33.1. Again, I would ask that all members on the committee look at this amendment. Let’s lay our partisanship aside and let’s look at this with an open mind and really and truly what it is this particular amendment needs to do.

As I look across, I see parents and I see grandparents of schoolchildren who are actually affected by this particular amendment. I think it’s absolutely critical and I don’t think anyone in this committee would disagree with the fact that we need to put the safety of our children first and foremost, so I’m asking that you give serious consideration to approving this particular amendment.

Back in the riding of Chatham–Kent–Essex, which is the riding that I represent, I had the opportunity to speak with many different stakeholders along the way. This became a very serious issue and concern. It still is a very serious concern of school bus operators and so on, simply because it is unfair for us to assume that a school bus driver, whose first and foremost obligation is to the safety of the children he or she is either picking up or

dropping off—as a result of that, for them to then also keep an eye on the road and vehicles that are approaching either from the front or from the rear; of course, the terminology “blow-bys” is very, very critical.

We had a situation back several years ago in my riding when in fact three children from a family were wiped out. It was unfortunate. I don’t blame the driver per se because the weather conditions were deplorable. What do you do? Suddenly, he came across the school bus when the lights were flashing and, in fact, the school arm was engaged with the stop sign out there. Suddenly he saw vehicles approaching him, so had he swerved, to avoid the bus, to the left of the bus, there would have been a head-on collision. Not seeing the children who were to the right of that bus, he chose to swerve to the right and unfortunately three children were killed.

Is that an avoidable accident? It could very well have been, but my concern is simply this: In speaking with the various school bus operators in the riding of Chatham–Kent–Essex, they are very, very concerned with the number of blow-bys that are occurring on a daily basis. It is with this amendment that we are hoping that we will in fact include it in the Highway Traffic Act—

Interjection.

Mr. Rick Nicholls: Exactly. We’ve got to make our roads safer. Being able to have video evidence used in a court of law will go a long way. It’s unfortunate that bus drivers themselves have to not only be concerned about children getting on and off the buses—and, of course, we had a serious incident back in my riding where a small child dropped a piece of clothing. The bus driver did not see that child go in front of the bus to get the piece of clothing that had fallen off, and, of course, the child was run over. That’s just awful. I knew that bus driver.

1630

But my point is with regard to this particular amendment with regard to using video evidence in a court of law for people who actually do blow-bys. Now, I’ve spoken with members of the Ottawa police as well. They have conducted pilot projects up in Ottawa. There have been pilot projects done here in Toronto. There needs to be a tremendous amount of public safety awareness being given to the public to let them know exactly what a blow-by is.

Unfortunately, we have a number of unreported blow-bys, simply because the drivers just don’t have time to ensure the students get on the buses or get off the buses safely and then still try to capture information where they have to write it down in terms of perhaps the colour of the vehicle, the make of the vehicle, the time when it occurred and so on.

The other challenge we have is that a lot of police forces are not in a position to actually go after them. Of course, they can go after them, once they obtain the information, but basically at that point in time all they do is knock on the door of the individual. It may or may not have been the owner of that vehicle who did the blow-by. It could have been a son or a daughter or another family member; the car might have been on loan. But they trace it down.

We need to support what I call the “I Stop, You Stop” campaigns throughout the province. It’s interesting, but just last year—almost a year ago now—from May 5 to May 9, they did an “I Stop, You Stop” campaign, and they received reports from 21 transportation consortia throughout the province. I’m here to tell you that the findings were absolutely shocking. In only five days, they reported 754 incidents. Now, that is with lights flashing, stop arm extended, bus fully stopped, children either getting on or getting off the buses, and, unfortunately, cars were still going by. It’s not good. Our children, our grandchildren—that’s putting them in danger.

We see a lot of things going on today where you talk about distracted drivers. I won’t get into the distracted drivers in detail, but there are many reasons why they blow by these buses. Part of it might very well have been the fact that they weren’t aware that the lights were flashing, or they didn’t think, because they were coming from a different direction and it was a four-lane highway—let’s say a bus is going north on a four-lane highway, therefore in the outside lane, and you have vehicles on the inside lane travelling south. They figure, “Well, that doesn’t apply to me. There’s three or four lanes of highway going across; it doesn’t apply.” It does. They just may not understand all of that.

I don’t know whether you’re aware, but the unsung heroes for our bus operators are the bus drivers themselves. They transport over 800,000 students every day. That’s 800,000 going to school and 800,000 coming back. Trying to maintain the safety of these children is a huge undertaking.

The reason for this amendment, and this is why I am asking: I want to appeal to your nobler motives. I am asking that you give consideration and will actually accept this particular amendment to only make this bill stronger—to make it stronger.

I look across, again, as I say, and I see members who have grandchildren. We want what’s best for our children as well.

Now, the question might come into being: “Well, Rick, you’re asking for cameras on all the school buses, and who’s going to pay for them?” and so on. The answer to both of those is, “No, I’m not.”

Bus drivers working with the Ministry of Transportation can in fact determine which buses will actually need and should have cameras attached to them and which buses do not. I’ve had those discussions with the operators, and they know the routes whereby cameras aren’t needed.

The next question I know you’re going to ask is, “Who’s going to pay for these?” Well, again, that’s not part of this amendment, and again, we’ll work through that with the Ministry of Transportation. I do know that, in some cases, local school boards or bus operators have appealed to the nobler motives of corporate citizens within their municipalities, whereby corporate citizens will in fact sponsor cameras on these buses that they deem necessary to have. I think that’s excellent. That’s not taking any money out of the ministry’s coffers at all,

and I think it gets the communities involved, and gets them behind the safety of children, as well. Again, I would ask that you consider that.

Again, please keep in mind that the bill is not dictating who is going to pay or what buses are going to have these cameras on them at all. It’s just simply that we need to have video evidence approved and accepted in a court of law so that we can, in fact—if someone needs to be prosecuted, then do you know what? They broke the law, and they need to be prosecuted for that.

It’s going to seem like a tough pill to swallow. It would be like swallowing a pill sideways, until the message gets out there. Once that message gets out there—“Whoa, wait a minute, it doesn’t apply to just two-lane highways; it applies to four-lane highways as well”—then we’re starting to make progress. To the government: I commend you again for approving this amendment, only to make your bill stronger. That’s the key.

Again, you may ask, “Has this ever been done elsewhere?” The answer is: Yes, it has, actually. As a matter of fact, it’s occurring in many jurisdictions in the United States, as well as in Canada. There have been numerous states that have already passed laws allowing the use of cameras on school buses to capture video images of motorists illegally passing and endangering our children. Some have even made them mandatory statewide. Of course, through this strengthening of your bill, it will be mandatory—not cameras on school buses, but mandatory prosecution. Providing video evidence: It’s, again, in your hands to have the video evidence captured and able to be used in a court of law.

Prince Edward Island has in fact passed specific legislation, and they’ve started many different pilot projects throughout the country. Manitoba also has school boards using cameras as well. I mentioned Ottawa earlier, and I’ve spoken with the police services group up in Ottawa. They’re working with an independent school bus operator on their pilot projects. Again, we need to find ways of reducing the number of blow-bys. I’m sure that everyone in this room on the committee themselves would agree that, over five days, 754 incidents is way too many.

Again, just as a point of reference for you, so that you’re aware—because you may not be aware, but perhaps you are—this particular amendment is in fact based on the section of the Highway Traffic Act that deals with red-light cameras. That evidence is acceptable in a court of law. As you know, if you’re caught running a red light—I could probably point out to you a few places in Toronto where, thank goodness, it says, “No right-hand turn on red lights.” It’s for a reason. That camera is looking right at me, so guess what? I don’t make that right-hand turn. But it’s all laid out in the act.

But again, please understand that if you accept this amendment into your bill, it would mean that a photograph of a vehicle obtained from a school bus camera system would be received as evidence in a proceeding under the Provincial Offences Act. Of course, this was asked for directly by people who were involved in the

initial stop-arm camera system pilot projects here in the province.

1640

Police have run into roadblocks, so this is where I need your help. This is where we can help make your bill even stronger by accepting and approving this amendment, because the police are running into roadblocks when trying to take offending drivers to court if there aren't any clear rules on the books for these new systems.

I want to encourage all members on the committee to take a proactive approach when it comes to this issue. These systems will continue to be installed on more buses. The Highway Traffic Act must be updated in order to reflect this trend.

School bus drivers I've met with are extremely supportive of this bill and of the amendment. They want to see this amendment put into the Highway Traffic Act. Police officers also strongly support getting this amendment into the Highway Traffic Act and so on.

As a matter of fact, I'd like to read into the record a letter of support that I received from the Ontario School Bus Association. It's not the entire letter, but this is what they had stated:

"The Ontario School Bus Association (OSBA) supports" this particular amendment, "which proposes the use of cameras on school buses to capture video images of motorists illegally passing school buses stopped with their red warning lights flashing. The video images can" also "be used by police as evidence to prosecute owners of offending vehicles rather than the driver. These cameras, commonly referred to as stop-arm cameras, have proven effective in other jurisdictions across North America by increasing the prosecution rate and raising awareness of the consequences of breaking the law."

To all members of the committee, again, we know that the consequences of this illegal behaviour, i.e., blow-bys, can be the injury or death of a child getting on or off a school bus. Stop-arm cameras would augment the on-road enforcement efforts by police in the areas of the province where illegal passing of school buses is, in fact, a problem.

I just want to give a shout-out, because the Independent School Bus Operators Association has been tremendously helpful in assisting us and, therefore, assisting you in amending this particular portion of your bill. The school bus operators share a strong focus on promoting the safety of children, and trust me, I am incredibly thankful for their ongoing support.

Lastly, to the members of the committee, I've also heard words of encouragement not only from members of my party, who have been supportive every step of the way, but also members on the government side as well. I hope again that you will give consideration to amending this particular bill at the appropriate time—hopefully in a few minutes, when a vote may be called.

I think we can all agree that the safety of our children is our number one priority. Every day, hundreds of children are needlessly put at risk as drivers speed by stopped school buses. Catching drivers who endanger our

children is critical. It will lead to greater awareness of the severity of this issue.

I've talked about incidents; 754—that's an incident, not necessarily an accident, but even one accident is one too many, because it's one that could have perhaps been avoided.

Again, this amendment's going to make it easier for school bus drivers to do their jobs. It's unrealistic to expect drivers to simultaneously operate a school bus, look after children who are getting on or off the bus, and also grab the licence plate number and the description of a car that blows by their stop sign. It's why so many offenders are never caught.

To all members of this committee, I would ask that we do the right thing. Let's make life a little easier for school bus operators, drivers, who have enough on their plate as it is. Most importantly, let's all work together to support the people in our lives whom we love and cherish the most, that being our children, our grandchildren and perhaps even great-grandchildren as well.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote—a recorded vote. Those in favour of adding a new section, PC 58.1?

Ayes

Harris, Mantha.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

We shall move to sections 59 and 60. Can we lump them, members of the committee? I hear no opposition to that, so shall sections—

Mr. Rick Nicholls: Point of order?

The Chair (Mr. Grant Crack): Point of order, Mr. Nicholls.

Mr. Rick Nicholls: Thank you, Chair. Would it be appropriate for me to ask the reasons on the government side as to why they opposed this particular amendment? Would that be in order?

The Chair (Mr. Grant Crack): It is not a point of order. I believe the vote has already been taken and we've already moved on to sections 59 and 60, so perhaps that information could come after the process.

Mr. Rick Nicholls: Thank you very much.

The Chair (Mr. Grant Crack): Shall sections 59 and 60 carry?

Ayes

Colle, Dickson, Hoggarth, Kiwala, Mantha, McGarry.

The Chair (Mr. Grant Crack): Sections 59 and 60 carry.

New PC section 60.1, which is number 33.2, which is a new section of the Highway Traffic Act: I'm going to ask Mr. Harris to read it into the record, please.

Mr. Michael Harris: Sure—33.2, right?

The Chair (Mr. Grant Crack): It would be 33.2 in your binders, yes.

Mr. Michael Harris: Okay. I move that the bill be amended by adding the following section:

“60.1(1) Subsection 216.1(1) of the act is amended by striking out ‘Any officer’ at the beginning and substituting ‘Any officer or officer’.

“(2) Subsection 216.1(2) of the act is amended by striking out ‘Any officer’ at the beginning and substituting ‘Any police officer or officer’.”

Do I need to read back something?

The Chair (Mr. Grant Crack): You will. Would you like to start over?

Mr. Michael Harris: I suppose. I’m just curious: Is it just because I read it wrong? Is that why?

Mr. Grant Crack: On the first sentence, anyway, so yes. Take your time.

Mr. Michael Harris: All right. We’ll slow it down, then. I move that the bill be amended by adding the following section:

“60.1(1) Subsection 216.1(1) of the act is amended by striking out ‘Any officer’ at the beginning and substituting ‘Any police officer or officer’.

“(2) Subsection 216.1(2) of the act is amended by striking out ‘Any officer’ at the beginning and substituting ‘Any police officer or officer’.

“(3) Subsection 216.1(3) of the act is amended by striking out ‘the officer’ and substituting ‘the police officer or officer’.

“(4) Subsection 216.1(4) of the act is amended by striking out ‘An officer’ and substituting ‘A police officer or officer’.

“(5) The portion of subsection 216.1(6) of the act that is before clause (a) is amended by,

“(a) striking out ‘Where an officer’ at the beginning and substituting ‘Where a police officer or officer’; and

“(b) striking out ‘the officer may’ at the end and substituting ‘the police officer or officer may’.”

The Chair (Mr. Grant Crack): Thank you very much. Unfortunately, I will be determining that this motion is out of order. This amendment amends a section of the act that is not open in the bill, so it is therefore beyond the scope of the bill.

Mr. Harris.

1650

Mr. Michael Harris: Can I ask for the committee’s indulgence to at least hear the reasoning for it, understanding that the amendment will likely be ruled out of order, at least for the committee’s sake and the ministry’s sake—to understand why it’s important, and ask for unanimous consent to hear, or include, this amendment?

The Chair (Mr. Grant Crack): Members of the committee, Mr. Harris has requested unanimous consent in order for him to put forward his position with regard to the proposed amendment that I had just—

Interjections.

The Chair (Mr. Grant Crack): Okay, I’ve heard a no.

We shall continue with sections 61 and 62. Without opposition from the committee, I shall bundle them. There is no further discussion?

Shall sections 61 and 62 carry?

Ayes

Colle, Dickson, Hoggarth, Kiwala, Mantha.

The Chair (Mr. Grant Crack): Sections 61 and 62 are carried.

We shall move to section 63. We have a PC motion, and I believe, Mr. Harris, there are two options: 34.1 in your package—

Interjection.

The Chair (Mr. Grant Crack): So it’s 34.2. Would you be so kind as to read that into the record?

Mr. Michael Harris: I move that subsections 63(1) and (2) of the bill be struck out and the following substituted:

“Commencement

“(1) Subject to subsection (2), this act comes into force on the day it receives royal assent.

“Same

“(2) Sections 1 to 4 and 6 to 21, subsection 22(3), sections 23 to 36 and 38 to 40, subsections 41(1) and (3), sections 43, 48, 50, subsection 51(4) and sections 52 and 54 to 61 come into force on a day to be named by proclamation of the Lieutenant Governor.”

The Chair (Mr. Grant Crack): Further discussion? Mr. Harris.

Mr. Michael Harris: Okay. This motion amends subsection 63 of the bill to ensure that municipalities are able to move on powers to collect unpaid fines following royal assent, as opposed to on a day to be named by proclamation of the Lieutenant Governor. Basically, it would come into force the day it receives royal assent.

After years of waiting for government to grant municipalities the powers to withhold licence renewal pending the payment of unpaid fines, AMO, the Association of Municipalities of Ontario, and its municipalities will welcome the opportunity and added revenue this legislation allows.

For far too long, municipalities have been forced to wait for these powers to be granted while watching countless millions of dollars in fines go uncollected. This motion will ensure powers for fine collection immediately after royal assent.

Again, the reason we put this forward is that there’s talk—I guess I would like some clarity from the ministry or the parliamentary assistant as to when they feel, perhaps if this is unamended—when municipalities will actually be able to collect unpaid fines. Some suggest it could take months, if not years after this bill passes for municipalities to actually have the power to collect unpaid fines.

I think we can all agree, especially our partners at the municipal level who have been calling us for years and years and years—and it’s finally coming to fruition. However, let’s provide some clarity, in fine collection,

for municipalities and put an actual date on it to ensure that when this bill is proclaimed, municipalities will then have the power to collect those unpaid fines. I don't think that it is unreasonable to ask this committee to set a date on it.

I guess I would ask—and I believe it would be the ministry—the appropriate person as to when they expect the municipalities to be able to collect unpaid fines, to start actually collecting them, should this bill be unamended.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Harris, but after reviewing the motion, I'm going to have to call it out of order for the simple reason that it makes reference to section 4 of the bill, which was not passed by this committee previously.

Mr. Mike Colle: This is ironic.

The Chair (Mr. Grant Crack): Unfortunately, that will end debate on that particular amendment.

Mr. Michael Harris: Okay, so do I—

The Chair (Mr. Grant Crack): It's out of order now, so I'll continue to move on—

Interjection.

Mr. Michael Harris: You know what? Mike, you may not want to gloat too much about this one.

Interjection.

The Chair (Mr. Grant Crack): Gentlemen—

Mr. Michael Harris: Again, it's unfortunate that the government actually voted to remove section 4, so thereby—now municipalities won't have—

The Chair (Mr. Grant Crack): Okay, Mr. Harris. Thank you.

Mr. Michael Harris: —the ability to collect fines—

The Chair (Mr. Grant Crack): Mr. Harris, we're going to continue to move on. Thank you very much.

There are no amendments to section 63.

Shall section 63 carry? Recorded vote.

Ayes

Colle, Dickson, Hoggarth, Kiwala, Mantha, McGarry.

The Chair (Mr. Grant Crack): Section 63 is carried. Section 64: There are no amendments. Shall section 64 carry? Recorded vote.

Ayes

Colle, Dickson, Hoggarth, Kiwala, Mantha, McGarry.

The Chair (Mr. Grant Crack): Section 64 is carried. We shall move to the title.

Shall the title of the bill carry? Recorded vote.

Ayes

Colle, Dickson, Hoggarth, Kiwala, Mantha, McGarry.

The Chair (Mr. Grant Crack): The title of the bill is carried.

Shall Bill 31, as amended—

Mrs. Kathryn McGarry: Chair?

The Chair (Mr. Grant Crack): Okay, we have—

Mr. Mike Colle: We're in the middle of a vote. There are no questions.

Mrs. Kathryn McGarry: Sorry.

The Chair (Mr. Grant Crack): Is it a point of order?

Mr. Mike Colle: We're in the middle of a vote.

The Chair (Mr. Grant Crack): Shall Bill 31, as amended, carry? Recorded vote.

Ayes

Colle, Dickson, Hoggarth, Kiwala, Mantha, McGarry.

The Chair (Mr. Grant Crack): Bill 31 is carried, as amended.

Shall I report the bill, as amended, to the House? Recorded vote.

Ayes

Colle, Dickson, Hoggarth, Kiwala, Mantha, McGarry.

The Chair (Mr. Grant Crack): I shall report the bill, as amended, to the House. It is carried.

There being no further business of the committee on Bill 31, I'd like to thank all members of the committee for their excellent and hard work.

This meeting is adjourned.

The committee adjourned at 1659.

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STANDING COMMITTEE ON GENERAL GOVERNMENT

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Mrs. Kathryn McGarry (Cambridge L)

Also taking part / Autres participants et participantes

Mr. Wayne Gates (Niagara Falls ND)

Mr. Rick Nicholls (Chatham–Kent–Essex PC)

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke PC)

Mr. Logan Purdy, acting manager,
Road Safety Policy Office, Ministry of Transportation

Clerk / Greffière

Ms. Sylwia Przewdzicki

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ISSN 1180-5218

Legislative Assembly of Ontario

First Session, 41st Parliament

Assemblée législative de l'Ontario

Première session, 41^e législature

Official Report of Debates (Hansard)

Monday 13 April 2015

Journal des débats (Hansard)

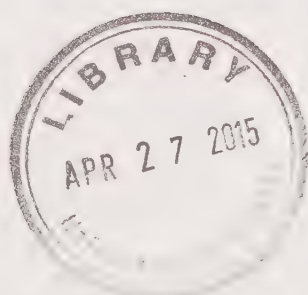
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Monday 13 April 2015

Lundi 13 avril 2015

The committee met at 1403 in committee room 2.

SUBCOMMITTEE REPORT

The Chair (Mr. Grant Crack): Sorry to interrupt everyone's fun. Good afternoon, everyone, and welcome to the Standing Committee on General Government.

We're here today to discuss the report of the subcommittee regarding Bill 45, An Act to enhance public health by enacting the Healthy Menu Choices Act, 2015 and the Electronic Cigarettes Act, 2015 and by amending the Smoke-Free Ontario Act.

We met as a subcommittee by teleconference on Thursday, April 9. I believe, Mr. Colle, you have the opportunity to read into the minutes what was decided by the subcommittee that day.

Mr. Mike Colle: This is the report of the meeting of the Standing Committee on General Government subcommittee on committee business—I'm going to read it into the record—which took place Thursday, April 9, 2015.

Your subcommittee on committee business met on Thursday, April 9, 2015, to consider the method of proceeding on Bill 45, An Act to enhance public health by enacting the Healthy Menu Choices Act, 2015 and the Electronic Cigarettes Act, 2015 and by amending the Smoke-Free Ontario Act, and recommends the following:

(1) That the committee hold public hearings on Bill 45 in Toronto at Queen's Park on Monday, April 20, and on Wednesday, April 22, 2015, during its regular meeting times.

(2) That the Clerk of the Committee, with the authorization of the Chair, post information regarding the committee's business with respect to Bill 45 in English and French on the Ontario parliamentary channel, on the Legislative Assembly website and with the CNW news-wire service.

(3) That interested people who wish to be considered to make an oral presentation on Bill 45 should contact the Clerk of the Committee by 4 p.m. on Wednesday, April 15, 2015.

(4) That, following the deadline for receipt of requests to appear on Bill 45, the Clerk of the Committee provide the subcommittee members, by email, with a list of all the potential witnesses who have requested to appear before the committee.

(5) That, if required, each of the subcommittee members supply the Clerk of the Committee with a prioritized list of the witnesses they would like to hear from by 1 p.m. on Thursday, April 16, 2015. These witnesses must be selected from the original list distributed by the committee Clerk.

(6) That groups and individuals be offered five minutes for their presentations, followed by up to nine minutes for questions by committee members.

(7) That the deadline for receipt of written submissions on Bill 45 be 5 p.m. on Wednesday, April 22, 2015.

(8) That amendments to Bill 45 be filed with the Clerk of the Committee by 12 noon on Friday, April 24, 2015.

(9) That the committee meet on Monday, April 27, 2015, during its regular meeting time for clause-by-clause consideration of Bill 45.

(10) That the Clerk of the Committee, in consultation with the Chair, be authorized to commence making any preliminary arrangements necessary to facilitate the committee's proceedings prior to the adoption of this report.

The Chair (Mr. Grant Crack): Thank you, Mr. Colle. Further discussions? Ms. Gélinas had her hand up—okay, Mr. Colle.

Mr. Mike Colle: I just wanted to ask for adoption of the report but with a couple of changes. I'm not sure of the process here, but in terms of the public hearings, I think there's consensus here that we may need another day of public hearings, but in order to do that we have to get unanimous consent from this committee for you to go to the House and ask for this extra day of hearings because we've only been instructed by the House to meet on prescribed days. This would take leave for us to have an extra day of hearings to accommodate the people who wanted to speak.

That's the first request I'd like to make, that the committee accept a unanimous request that we have authorization—through your letter to the Speaker—in the House that we have an extra day of hearings on Tuesday, April 21, between 9 a.m. and 10:15 a.m., and from 4 a.m.—4 a.m.?

The Chair (Mr. Grant Crack): At 4 p.m.?

Mr. Mike Colle: It must be, yes—from 4 p.m. to 6 p.m., I think that should read. So that's the request I make for unanimous consent to ask for you to undertake that process.

The Chair (Mr. Grant Crack): Mr. Colle is asking for unanimous consent from the committee. Is there further discussion on what Mr. Colle is proposing?

Mr. Colle is requesting and moving unanimous consent to have an extra day of public hearings on Tuesday for the times that he has mentioned. It would be something that maybe we could add into the subcommittee report, under (1.1), for example. Is there a discussion on that? Ms. Gélinas?

M^{me} France Gélinas: I'm not opposed to what you're putting forward. If people want to be heard, I'm more than willing to hear them. I'm more curious to know: What leads you to believe that there is such a demand? I'm pointing the question at the Clerk. Have you received many requests?

The Chair (Mr. Grant Crack): I believe at the time of the subcommittee meeting the Clerk had received 130-plus—I believe that number has actually increased—requests to come before the committee at this particular time. Madam Clerk, do you have a final number as to the number of requests?

The Clerk of the Committee (Ms. Sylwia Przedziecki): No precise number, but we have been taking calls since there's a committee meeting, so the list is growing longer.

M^{me} France Gélinas: Okay.

1410

The Chair (Mr. Grant Crack): Further discussion? Do we have unanimous consent? Is that how I would proceed here?

As I believe I had mentioned earlier, Mr. Colle, are you moving an amendment to the original subcommittee report?

Mr. Mike Colle: Yes.

The Chair (Mr. Grant Crack): And you're requesting unanimous consent—

Interjections.

The Chair (Mr. Grant Crack): If I understand this correctly, you're proposing an amendment to the subcommittee report in order to hold an extra day of public hearings.

Mr. Mike Colle: Yes.

The Chair (Mr. Grant Crack): Okay. So that would require an amendment to the report. Is there further discussion?

Interjection.

The Chair (Mr. Grant Crack): Okay. The Clerk is requesting that she be able to write out exactly what you're requesting, but I believe you requested an extra day of public hearings on Tuesday.

Mr. Mike Colle: Right.

The Chair (Mr. Grant Crack): Which day?

Mr. Mike Colle: April 21.

The Chair (Mr. Grant Crack): April 21, from 9 to 10:15 a.m. and 4 to 6 p.m. Is that correct?

Interjections.

The Chair (Mr. Grant Crack): Okay. There's going to be a request from the committee here to me to write to the House in order to seek approval for that extra day of

hearings. That's an amendment to this subcommittee report.

Mr. Mike Colle: Right.

The Clerk of the Committee (Ms. Sylwia Przedziecki): I'm just going to have you read that out.

Mr. Mike Colle: The amendment is that we request that the Chair write to all three House leaders to request that the House authorize this committee to sit on Tuesday, April 21, from 9 a.m. to 10:15 a.m. and from 4 p.m. to 6 p.m.

The Chair (Mr. Grant Crack): Any discussion on that amendment? There being none, I'm going to ask for a vote. Those in favour of the amendment? Any opposed? The motion on the amendment is carried.

Mr. Colle?

Mr. Mike Colle: I have another minor amendment. At the subcommittee, in our discussion, we set forth the date for amendments to be filed with the Clerk on the Friday, but I've had a request that we change that to Thursday in order to give the ministry time to assess the amendments that are filed, because some of them may require some deliberation by ministry staff. They felt that on the Friday there wouldn't be enough time to really give the proposed amendments their due diligence, so they asked for us to move the filing for amendments to the Thursday rather than Friday so that the amendments could get a fuller analysis by ministry staff. That was the request from ministry people for that.

The Chair (Mr. Grant Crack): Okay. Are you moving an amendment to the subcommittee report which reflects what you had just provided as information to the committee, so that the deadline would be Thursday, April 23, at 12 noon for filing amendments?

Mr. Mike Colle: Yes.

The Chair (Mr. Grant Crack): That would be the deadline.

Mr. Mike Colle: That amends number 8 of the subcommittee report.

The Chair (Mr. Grant Crack): That would read, amended, "That amendments to Bill 45 be filed with the Clerk of the Committee by 12 noon on Thursday, April 23." Is that correct?

Mr. Mike Colle: Yes.

The Chair (Mr. Grant Crack): Okay. Further discussion? Ms. Gélinas.

M^{me} France Gélinas: Although I understand that people in the ministry need time to look at it, I also understand that I need time to prepare those amendments. We finish at 6 o'clock on Wednesday night, so I will have to ask my people to stay here very late on Wednesday in order to meet your deadline. It's either your people work hard or our people work hard.

So how about we split it in two and we say "by 6 o'clock on Thursday"? This way, you have Friday to work on it and we have Thursday to listen to everything that people will have said on the Wednesday and see if there's reason to make amendments, to work with legislative counsel and draft those amendments and get them to you in time. To ask that to be done between 9

a.m. on Thursday morning and noon is not going to work. And I would ask that it not be a hard deadline, as in: We will try really hard to get all of those amendments in by 6 o'clock on the Thursday, but if some of them come later, that they be accepted.

Mr. Mike Colle: Can we have a five-minute recess to discuss it with the people who are in the ministry?

The Chair (Mr. Grant Crack): Is a five-minute recess reasonable to all committee members? Okay. A five-minute recess, beginning now.

The committee recessed from 1416 to 1421.

The Chair (Mr. Grant Crack): Okay, five minutes is up.

Mr. Colle had moved a motion to amend item 8 in the subcommittee report. Following that, Ms. Gélinas had made a suggestion to amend the amendment to 6 p.m.

We'll have a discussion on this: Mr. Colle.

Mr. Mike Colle: I know there is pressure both ways. There's pressure to people that prepare amendments, which is a given. But then there's also time needed for all three parties to consider the amendments seriously, and also for staff in the ministry or the clerical staff. So how about 3 p.m. on Thursday? I think that's reasonable. We'll try and do the best we can with that.

The Chair (Mr. Grant Crack): Mr. Colle is proposing an amendment to the amendment of the original amendment.

Ms. Gélinas?

M^{me} France Gélinas: I'm flexible. The issue is quite simple: We don't write the amendments ourselves. We have to deal with legislative counsel to do this, and it has been really slow.

What I can say is that I will hand over to you everything that I have—I was going to say by 4, as she just informed me that her office closes at 5. I would hand over everything that has been prepared, by 4 o'clock. I hope that will be it, but experience has shown me that they are very slow. If the amendments are not received by 4, then as soon as I receive them from legislative counsel, I will send them in.

I have no problem putting in a hard deadline, and we will tell legislative counsel that this is our hard deadline that we need. But I can just about guarantee you of that phone call that will say, "Well, we were able to do this and this and that, but I'm sorry, we haven't had time for those."

I would really hate to leave those unattended to at all, because when legislative counsel writes those up, they don't ask us, "What's your number one priority?" or whatever. I don't know how they set priority, to tell you the truth. But here they come, and sometimes the right one comes, but sometimes the not-so-significant one comes forward and the most important one is the one that is late.

The Chair (Mr. Grant Crack): Further discussion? Ms. Hoggarth.

Ms. Ann Hoggarth: I just have a question. I know that in my former life, when dealing with—

Mr. Mike Colle: Children.

Ms. Ann Hoggarth: —yes, children—with issues where we were passing some kind of legislation or constitution or whatever, as soon as we got the first draft of the bill, that we would start with making amendments. We might change them later, but we got them all ready. Then we decided whether we'd put them in or not.

Is that not something that could be done? Are we expecting a lot because of the hearings?

The Chair (Mr. Grant Crack): I can't answer about the amount—

M^{me} France Gélinas: We don't know until we hear them.

I agree with what the MPP has said. There are amendments right now that are already there. They already know. I'm on the record saying that I want a flag for sodium. I'm not going to wait until Wednesday to say this. I want menthol in. You already know that; it's on the record. I have told legislative counsel to start drafting those amendments. What I don't know is what I am going to hear until I hear it, and then what do I do?

Mr. Mike Colle: Chair?

The Chair (Mr. Grant Crack): Mr. Colle.

Mr. Mike Colle: I think we've discussed this, the realities of trying to meet deadlines and so forth. But I think it's a reasonable time, 3 p.m., and I'd like to call the vote on this amendment at 3 p.m.

The Chair (Mr. Grant Crack): Okay. Thank you for that.

Mr. Colle had proposed an amendment to number 8 of the subcommittee report, that it would be changed from Friday to Thursday at noon. Ms. Gélinas proposed an amendment to that amendment to make it 6 p.m., then Mr. Colle has come back and has proposed 3 p.m. I know Ms. Gélinas had talked about 4 p.m. I know you've called it to a vote, but there could be some more discussion here. Is there any further discussion, because I still don't have clarity whether 3 p.m. is accepted or 4 p.m. is—

Mr. Mike Colle: Can we vote on the 3 p.m. first?

The Chair (Mr. Grant Crack): Ms. Gélinas?

M^{me} France Gélinas: I just want to clarify with the Clerk. What happens with amendments that will come in after 3 p.m.?

The Chair (Mr. Grant Crack): Madam Clerk?

The Clerk of the Committee (Ms. Sylwia Przewdziecki): Any amendments that come to me at whatever time I will send out to the committee. Once a deadline passes, I will create the original package. I will number it and order it, and send it to members as soon as possible. Anything that comes after the deadline I will add to the package when I receive it, and send out a revised package.

M^{me} France Gélinas: Good enough.

The Chair (Mr. Grant Crack): Okay. I'm not going to go back over all of this again. Mr. Colle has proposed 3 o'clock. Is there any further discussion?

Mr. Monte McNaughton: Is that a.m. or p.m.?

Mr. Mike Colle: It's p.m.

The Chair (Mr. Grant Crack): So 3 p.m. on Thursday, April 23, 2015, is the deadline for filing amendments with the Clerk. Any further discussion on 3 p.m.? Those in favour? Any opposed? Carried. The amendment to the amendment is carried.

Any further discussion concerning the subcommittee report? Ms. Gélinas.

M^{me} France Gélinas: Monday, April 20 is l'Ordre de la Pléiade. This is one of the highest honours that the Legislative Assembly gives to francophones in Ontario. We have seven people coming from all over the province to participate in this honour. Several members of this committee will be trying really hard to take part in that great honour and the celebrations that we do. Celebrations are to start at 2 p.m. and go until about 5 o'clock on Monday. Then there is a supper after the committee has risen.

I am telling you this with the hope that when the list of people who have come to present is put forward, if there would be an opportunity to also tell you which day we would like them scheduled, as in—it will be extremely hard for me. I have people coming from my riding for that great honour. I feel that I have to be there or it would be very disrespectful.

At the same time, I want to do my work as an MPP and make sure that I'm here to listen. I don't know if the committee would agree, but once we receive the list and we prioritize it, there are certain groups that I would really like to be there for when they present. Therefore,

for those groups I would ask that they present Tuesday morning, Tuesday afternoon or Wednesday afternoon to make sure that I am there. I'm just putting it out to the committee.

Mr. Mike Colle: Yes, that's fine. You could talk to the Clerk. I don't see any objection to working that out, but you know the times and so forth. We have no issues with time.

M^{me} France Gélinas: Okay. Thank you.

Interjection.

The Chair (Mr. Grant Crack): The Clerk is advising that it all depends on the witnesses' availability as well and how we schedule how we move forward.

M^{me} France Gélinas: Of course, of course. But the people who are coming forward who I want to be there will want me to be there, too.

The Chair (Mr. Grant Crack): Understandable.

The next order of business is, we've amended the report of the subcommittee on two different occasions. I'm going to ask for the final time: Is there any further discussion on the report of the subcommittee, as amended?

There being none, I will be asking for a vote with regard to approval of the report of the subcommittee, as amended. Those in favour? Those opposed? The report of the subcommittee is carried.

Then there is no further business of the committee at this point. The meeting is adjourned.

The committee adjourned at 1431.

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ISSN 1180-5218

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Standing Committee on General Government

Making Healthier Choices
Act, 2015

Comité permanent des affaires gouvernementales

Loi de 2015 pour des choix
plus sains



Chair: Grant Crack
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Monday 20 April 2015

Lundi 20 avril 2015

*The committee met at 1401 in room 151.*MAKING HEALTHIER CHOICES
ACT, 2015LOI DE 2015 POUR DES CHOIX
PLUS SAINS

Consideration of the following bill:

Bill 45, An Act to enhance public health by enacting the Healthy Menu Choices Act, 2015 and the Electronic Cigarettes Act, 2015 and by amending the Smoke-Free Ontario Act / Projet de loi 45, Loi visant à améliorer la santé publique par l'édiction de la Loi de 2015 pour des choix santé dans les menus et de la Loi de 2015 sur les cigarettes électroniques et la modification de la Loi favorisant un Ontario sans fumée.

The Chair (Mr. Grant Crack): I'd like to call the Standing Committee on General Government to order. I'd like to welcome all members of the committee and support staff and, of course, all the members of the public who will make presentations before the committee this afternoon.

We are here to hear from individuals and groups concerning Bill 45, An Act to enhance public health by enacting the Healthy Menu Choices Act, 2014 and the Electronic Cigarettes Act, 2014 and by amending the Smoke-Free Ontario Act.

Previously, the committee agreed for delegations to make a five-minute presentation, followed by up to three minutes of questioning from each of the three parties.

CANADIAN VAPING ASSOCIATION

The Chair (Mr. Grant Crack): Having said that, we have our first delegation ready at this time, and I'd like to call forward representatives from the Canadian Vaping Association. If you could be so kind as to introduce yourselves for the record.

Mr. Beju Lakhani: Yes. My name is Beju Lakhani.

Mr. Daniel David: And my name is Daniel David.

The Chair (Mr. Grant Crack): Thank you very much. You have five minutes. Welcome.

Mr. Beju Lakhani: Thank you. Through you, Mr. Chairman, to committee members, I want to thank you for the opportunity to present today on Bill 45, the Making Healthier Choices Act.

I'm the founder and CEO of Evolution Cigarettes Inc., a federal corporation based in Mississauga, Ontario. My

company manufactures e-liquids for use in personal vaporizers. I am also the vice-president of the Canadian Vaping Association and a client member in good standing of the Electronic Cigarette Trade Association of Canada.

Here with me today is fellow board member of the Canadian Vaping Association, Mr. Daniel David, who serves as the chairman of the Electronic Cigarette Trade Association. Its role is to provide a self-regulatory framework for this industry. These regulations range from mandatory e-liquid testing, appropriate labelling, child-resistant bottles and age restrictions amongst others. These self-imposed regulations have been in place since late 2011, and members pay to participate, indicating our industry's desire for appropriate regulation.

We have submitted a formal report for the committee's consideration, and I would like to take the allotted time to emphasize some of the points in our submission.

From their humble beginnings six years ago, the number of vape shops has grown exponentially, with the current estimate of dedicated retail outlets in Ontario numbering over 160, representing well over 500 employees, serving hundreds of thousands of customers and generating over \$50 million in revenue.

Please understand, the growth of this industry has not been the result of expensive marketing campaigns or the efforts of large corporations or tobacco companies. Rather, it has been the direct result of the substantial demand for these products by the approximately 2.5 million smokers in Ontario.

The vast majority of shop owners in Ontario are, like myself, former smokers who having switched from smoking to vaping, realizing the potential of this technology and the very real benefits that vaping provides as a safer alternative to smoking. I would respectfully assert that our membership have taken substantial risks to pursue a mission very much aligned with yours—to provide healthier choices and to move towards a smoke-free Ontario.

In many ways, Canada has been a role model for other countries in developing and implementing effective ways at reducing the harms of smoking, with Ontario's smoke-free legislation being a cornerstone of that effort. You're all aware that tobacco-related diseases cost the Ontario economy at least \$1.6 billion in health care annually, result in more than \$4.4 billion in productivity losses and account for at least 500,000 hospital stays each year. Ontario has an opportunity to once again be a world

leader by implementing suitable and effective legislation that ensures adult smokers have access to products that can substantially reduce the health impacts that tobacco smoking is known to cause.

Mr. Chairman, these claims are not made lightly. The CVA, based on our continued review of the growing body of evidence, including qualified literature, studies and research on vaping, of which there is much, is convinced that vaping is a healthier choice by orders of magnitude over smoking and has the potential for dramatically reducing the disease and death caused by smoking.

The task of this committee is to review the debates and the intent of this legislation, and deliberate on the bill with objectivity. To that end, we have provided numerous studies and evidence that support our claim. As a summary, the evidence suggests that: vaping is at least 95% less harmful than smoking and adds virtually no imposition to the health of bystanders; vapers are almost exclusively smokers or former smokers; vaping is less addictive than smoking tobacco cigarettes; and no gateway effect has ever been observed and rates of smoking are falling at faster rates than seen in recent years.

The CVA fully agrees that regulations are needed. However the goal of these regulations should be to ensure that maximum benefits are realized while minimizing the potential harms. We are concerned that Bill 45, as written, will have substantial impacts on an industry that is growing as an alternative to smoking tobacco and, consequently, the very constituents who seek to make a healthier choice.

The CVA wholeheartedly agrees that sales should be restricted to minors. We concede that restricting their use indoors is inevitable, and we agree that lifestyle promotion or advertisements are not appropriate.

The CVA has an anti-smoking bias. We believe that the government's smoke-free legislation is effective. We agree that regulations are necessary, and we want to work with you and your committee, Mr. Chairman.

Though we fully agree with the spirit of Bill 45, we request that the committee consider some of the amendments that we have put forward in our submission, specifically:

- permitting vaping indoors, in places that ban entry to minors;

- permitting dedicated, adult-only vape shops to openly display their products;

- permitting dedicated, adult-only vape shops to promote their products in store; and

- considering a mandatory review of the act with a reasonable timeline to further study the benefit of this alternative to smoking.

The Chair (Mr. Grant Crack): Okay. Thank you very much. I apologize, but my job is to make sure that everybody stays on. That's five minutes, so we'll move to the official opposition. Mr. Walker?

Mr. Bill Walker: Thank you very much.

The Chair (Mr. Grant Crack): He has about another minute left, in case somebody wants to give him the final—

Mr. Bill Walker: Thank you very much. It's a pleasure to hear and receive your information.

Certainly one of the things that I'm hearing on both sides of debate is the impact of the safety. I think one of the things you've highlighted is there are many research studies out there, many pieces of information that are sharing that this is not conclusively proving that there are health detriments. Can you share a bit of that information?

Mr. Beju Lakhani: Sure. What we have included in our submission are many of the studies that show that this alternative is significantly safer—orders of magnitude safer—than traditional tobacco. While I think we all agree that the science is still coming in, it's one of the reasons we're asking for a review process as part of this, as one of the amendments. We do know, I think with a fair bit of certainty at this point, that these devices are going to be better than traditional tobacco cigarettes.

Mr. Bill Walker: I also noted in the deliberation in the House that the provincial government had actually asked the federal government to complete a study, which was going to be a two-year study. I find it interesting that then they put this into the bill to be effective almost immediately. It's interesting that they've asked for it and yet now they're trying to, in my mind, steamroll it forward. Any comment?

Mr. Beju Lakhani: Well, we do know the federal government's HESA committee has just recently come back. The guidelines from that committee are going to take some time to implement. Contained in that recommendation, however, is an acknowledgement that these products are not tobacco. There needs to be a new classification and careful thought and deliberation given to the way that these products are regulated.

Mr. Bill Walker: You say in your deliberation that you agree that it should be restricted to minors and only for adults. Certainly a number of constituents in my riding of Bruce-Grey-Owen Sound, again, who are vape users, have come to me saying, "I've tried every other thing under the sun. This is the only thing that seems to work." From that perspective, I am trying to be objective in my deliberation of this. It certainly is a big part of it, from your business background—it's from trying to stop smoking; is that fair?

Mr. Beju Lakhani: That is fair, absolutely.

Mr. Bill Walker: Thank you. Lisa, is there anything you want to jump in with?

Ms. Lisa M. Thompson: Thank you, Bill. Thank you for being here, gentlemen. I was wondering if you could revisit the ingredients in the e-liquid that's used in vaping.

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Mr. Beju Lakhani: Sure. As a manufacturer, I can speak quite knowledgeably on this. There are only four ingredients that are contained in these liquids. One is propylene glycol, which again is generally regarded as safe by the FDA. It's used in asthma inhalers. The second ingredient is vegetable glycerin, which again is generally regarded as safe. We're consuming it every day in a

number of different forms. The third is food flavouring, which is widely available. The fourth is nicotine, and that is it.

The nicotine can be in any strength—typically available in a variety of strengths, and also in no nicotine. So, ideally, users are able to control the amount of nicotine they take, up to the point of taking none at all.

Ms. Lisa M. Thompson: Okay.

The Chair (Mr. Grant Crack): Ten seconds.

Mr. Bill Walker: Interestingly, my deliberations suggest that they pull this piece out of it so that we could further study it. I note that the Lung Association Nova Scotia has made points that it does not contain tobacco. There's a lack of evidence about them—no harm proven—and they've actually pulled this legislation for further consideration. I think that's certainly what we need to be doing here as well.

The Chair (Mr. Grant Crack): Thank you very much. We'll move to Ms. Fife.

Ms. Catherine Fife: Thank you for coming in today and sharing your perspective. I think new learning is that your association has an anti-smoke bias.

You didn't get a chance to finish your entire deputation, but near the end of it, though, you say that if the regulations are too strict on vaping, you warn that vaping will be forced underground. Do you want to elaborate on that a little bit?

Mr. Beju Lakhani: Sure. Right now, the store set-up that's in place—at my company, for example, Evolution Cigarettes Inc., we make a product that we submit to the ECTA. We're involved in third-party testing. We go through a whole process around safety to make sure that our products are fit for market. Our feeling is that if you regulate this industry too tightly, it wouldn't be that difficult, frankly, for people to start making these products at home.

If you don't have a way to bring these to market in a way that allows the buyer to be educated on what the product contains and how it's made, you're simply eliminating us from actually showing that our products are made in a responsible fashion and allowing end-users to make the decision as to what they should be consuming.

Ms. Catherine Fife: Okay, that's helpful. I guess the concern, though, is that—and there's a huge number of vaping stores that have opened in Waterloo—shockingly, four in the last four or five months. They are very close to schools, I have to say. The concern—the perception out there—is that vaping normalizes smoking. Do you want to speak to that?

Mr. Beju Lakhani: Sure. I mean, there were one or two points in there that we can address. The first is—and let me be 100% clear about this—the Canadian Vaping Association absolutely supports restriction on sales to minors. We've already self-imposed that. It has been in my company's wholesale agreement since the day we opened. The Electronic Cigarette Trade Association mandates that, to be a member. We are fully supporting the idea that we should not be selling these products to minors.

With respect to the gateway effect, I am not a scientist. I can't speak to normalization issues. What I can say is that in the studies that we've seen, smoking rates continue to decrease as vaping rates increase. Again, I'm not a scientist. I can't draw a correlation. That's not my place. But I have not seen anything that would indicate to me that people are moving in that direction.

Ms. Catherine Fife: But you don't want vaping to have a stigma. Therefore, you want it to be allowed indoors. That's an ask in your deputation.

Mr. Beju Lakhani: Yes, in adult-only indoor spaces.

Ms. Catherine Fife: But in public venues?

Mr. Beju Lakhani: Any place where a child could be legally allowed to enter, we would suggest no. If it's an adult-only space, we believe that the venue should have the ability to choose.

The Chair (Mr. Grant Crack): Okay. Thank you very much. We'll move to the government side: Ms. Kiwala.

Ms. Sophie Kiwala: Thank you very much for your deputation today. I'm wondering if you can tell me if your members produce or sell e-cigarette juice that comes with nicotine, that has nicotine—

Mr. Beju Lakhani: We do.

Ms. Sophie Kiwala: You do. Are you aware that it's illegal without Health Canada approval?

Mr. Beju Lakhani: We are aware that Health Canada is required to provide market authorization for medical products. We are also very aware of Health Canada's recently released HESA committee report that's suggesting a new framework is required for these products.

Ms. Sophie Kiwala: Okay. What are your members doing to come into compliance with the law?

Mr. Beju Lakhani: As I said, we are working with the federal government as they attempt to implement a new framework for regulating these products. I want to be clear: We welcome regulation of our product. We are looking to go to market in a way that is compliant with the law—

Ms. Sophie Kiwala: But right now it's illegal by Health Canada standards.

Mr. Beju Lakhani: The products do not have market authorization from Health Canada. That's correct.

Ms. Sophie Kiwala: Right, okay. What recognized manufacturing standards do you encourage your members to follow in their e-juice production?

Mr. Beju Lakhani: Right now the organization that's responsible largely for regulating our industry is the ECTA, the Electronic Cigarette Trade Association, whose guidelines my company follows. Daniel David, who is here, can address that in more detail.

Mr. Daniel David: For e-liquid itself—we do require mandatory testing of all e-liquid that is sold.

Ms. Sophie Kiwala: Where is that testing done?

Mr. Daniel David: That testing is done by Enthalpy labs. It's an accredited lab in the United States. They do a full chemical analysis on all of our members' e-liquids. That tests for things like nicotine content, so if a bottle says it has no nicotine in it, it must have no nicotine, and

if it is labelled with nicotine, it must have that specific amount.

We also look for a number of contaminants to ensure that any avoidable risk elements can be avoided. It's actually one of the most, if not the most, strict testing platform in the world right now for e-liquids to ensure safety and quality of the products that our members sell.

Ms. Sophie Kiwala: Are e-cigarettes being marketed as lifestyle products or as a cessation device?

Mr. Daniel David: With the Electronic Cigarette Trade Association, before anybody can be even considered a member, the first thing done is an audit to ensure that no health, therapeutic or smoking cessation claims are being made whatsoever. We discourage any type of lifestyle marketing and especially prohibit marketing that can be reasonably seen as targeted towards youth or never-smokers.

The Chair (Mr. Grant Crack): Okay, thank you very much. We appreciate you coming before the committee and sharing your opinions.

Mr. Beju Lakhani: Thank you.

Mr. Daniel David: Thank you.

PROPEL CENTRE FOR POPULATION HEALTH IMPACT

The Chair (Mr. Grant Crack): Next, we have a gentleman from Propel Centre for Population Health Impact, University of Waterloo. Mr. Steve Manske, senior scientist and research associate professor. Welcome, Mr. Manske.

Mr. Steve Manske: Thank you very much for the opportunity to address your committee today.

I want to start by just asking whether, as a kid, you enjoyed bubble gum. Unfortunately, while most adults end up phasing out of that enjoyment, kids today face a more daunting task in that bubble gum-flavoured tobacco is certainly available to them. I'd argue, however, that bubble gum is not the key problem; rather, it would be menthol flavours in tobacco. Jurisdictions that ban flavours in tobacco are similar to those who might ban soda pop but allow Coke and Pepsi to continue.

So here's my message: I believe that, based on research I've done, Ontario needs a complete ban on flavours, and we need it enacted without delay. We know that Bill 45 puts it within your grasp. Today I want to describe data that I've collected, along with that of others, that strongly supports Bill 45 and the importance of protecting the health of our youth.

Since 2004, I've been leading the Youth Smoking Survey on behalf of Health Canada, with a team of 14 researchers and 34 staff. In the 2013-14 school year, we randomly selected and surveyed 49 Ontario schools. Some 8,000 kids in those schools, in grades 6 through 12, filled out our survey.

Tobacco use remains the number one cause of preventable death in Canada. Despite dramatic declines in use, we know that there is still the equivalent of two school bus loads full of people who die every day. Un-

fortunately, our kids are climbing on those school buses because of flavours.

Clearly the tobacco industry knew it needed new customers. The average age of starting to smoke in our survey is 14 years, well under the legal limit. As laws and social acceptance have tightened their screws, the tobacco industry has proven resourceful. They've introduced new products and new flavours.

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When I first started the Youth Smoking Survey, we tracked primarily cigarette use because cigar use—frankly, there wasn't very much of it. But flavours have boosted that number, as has the range of products in which those flavours are available.

Our most recent survey showed that among Ontario grades 9 to 12 students, over 44,000 were using tobacco products other than cigarettes. In total, 121,000 Ontario high school students are actually using some form of tobacco, and we believe that this figure is both unacceptable and unnecessary.

So what is it that's attractive about these products? Well, who else are bubble gum, grape and blueberry flavours targeted at? In 2013, despite a partial federal ban on flavours, almost half of the Ontario teens who had used tobacco in the last 30 days used a flavoured tobacco product. Unfortunately, youth bear an unequal burden in these flavoured products. Whereas just one in 20 adult smokers use menthol—just one in 20—almost a third, 29%, of kids who use tobacco use menthol.

You might then ask whether kids who are using flavoured tobacco are really just casual users. In the definitive Canadian study, over four and a half years of follow-up, one third of novice smokers—those casual smokers—converted to tobacco dependence. This evidence shows that, in other words, a third of Ontario youth who are smoking today are likely to become addicted.

Flavours—menthol, bubble gum and the rest—make it easier for kids to start. Unfortunately, our research also shows that use of menthol cigarettes is even higher among daily smokers, at 43% of all users.

What about adults who use tobacco? First, I'd just remind you that only 4% to 5% of the Canadian tobacco market is menthol; and second, in order to inform the US FDA, US researchers asked smokers their reaction if menthol were to be banned. Some 35% of current menthol smokers in the US said that they would simply quit smoking if we were to ban menthol. What a great benefit to both their individual health and our health care system. Less than half said that they would be angry or would miss their old brand.

The Chair (Mr. Grant Crack): Thank you very much; I apologize. Ms. Fife.

Ms. Catherine Fife: Thank you very much, Steve, for coming in. I must say, your research is very compelling. Policy and legislation should be based on evidence. I firmly believe that.

You didn't get a chance to finish your deputation, but you mentioned that Nova Scotia has gone to a full ban on flavours and so they're truly leading. Would you like to

comment on how you think that the legislation, as it's currently crafted, could be strengthened?

Mr. Steve Manske: Probably the key way to strengthen it is to shorten the time frame for its implementation. I think that Nova Scotia is demonstrating that that is possible. The rate at which tobacco product moves through distributors is fairly quick and we certainly do not need that length of time. There have been other changes implemented in much shorter time periods.

Ms. Catherine Fife: I think that your comments, particularly on youth and to the connection with flavoured tobacco, should be an eye-opener for many people. My own son is in this age bracket. He has girlfriends who are now going to smoking, and menthol is the attractor piece. Obviously, you support a full ban.

Mr. Steve Manske: Yes.

Ms. Catherine Fife: Would there be any good rationale to not bring a full ban of all flavoured tobacco into this legislation?

Mr. Steve Manske: I do not believe there is any rationale for having a partial ban.

Ms. Catherine Fife: Thanks for being here today.

The Chair (Mr. Grant Crack): Mr. Fraser?

Mr. John Fraser: Thank you very much for being here today, Mr. Manske. I appreciate your deputation. I have a couple of questions around menthol, but I'll just give a bit of an anecdote: I was a smoker. I started smoking when I was young. I used menthol. So I'm not surprised when you tell us that the use of flavoured tobacco is almost seven times what it is in the adult population.

Mr. Steve Manske: Yes.

Mr. John Fraser: That's a pretty high number. We've heard, in some criticism, that menthol is not a flavour that appeals to youth. I didn't quite catch the number that you gave us with regard to that. What was that difference between the adult and the—

Mr. Steve Manske: Some 4% to 5% of the adult population uses menthol; 29% of kids who are current smokers use menthol. But, in fact, if you look at daily smokers amongst kids, it's almost half; it's 49%.

Mr. John Fraser: So it clearly is a gateway flavour to smoking as well.

Mr. Steve Manske: I will agree with that, given a variety of things. Our data are cross-sectional so they cannot depict causation, but it appears that kids who are getting used to smoking are trying menthol, yes.

Mr. John Fraser: Okay. I was reading on the weekend that in the US they just recently did a study that showed—I want to switch now from menthol to e-cigarettes because that's another interest that we have—that between 2013 and 2014, e-cigarettes tripled in use amongst American youth, which is absolutely incredible when you think about it.

Mr. Steve Manske: It is. We have limited data in Canada. We do not have any national data. We have some data in Quebec, and certainly awareness and use were much higher than what we were expecting.

Mr. John Fraser: So there's a potential for risk in there. What would appear from this study is that it's actually encouraging that habit.

We had a previous presentation with regard to what was in the liquid that's smoked. Can you say anything about nicotine and youth and what the risks are, or any studies that you're doing?

Mr. Steve Manske: Certainly we know that nicotine is addictive for anyone, and there are a lot of e-juices in Canada that, while it's banned, contain nicotine. We don't have the regulations to understand what proportion that actually is, but it would have the same kind of effect.

My concern is that when you start to introduce new products, kids are perceiving them as less harmful and they may end up being a stepping stone to other kinds of tobacco use.

The Chair (Mr. Grant Crack): Okay. Thank you very much. We'll move to Mr. Hillier from the opposition.

Mr. Randy Hillier: Thank you. I want to just focus in on a couple of your last comments. You said that you think that these flavoured juices in e-cigarettes may lead as a stepping stone. Do you have any studies or any evidence that they are a gateway into smoking as compared to the substantial evidence that it's a gateway away from smoking?

Mr. Steve Manske: I would argue that there is not evidence that shows it's a gateway out of smoking. Others have referred to anecdotal evidence, but in the US—or worldwide, I guess, really—the kinds of summary statements that have been created looking across multiple studies have not necessarily shown that it's an effective tool to quit smoking.

Mr. Randy Hillier: I read 38 studies a couple of weeks ago that all demonstrated a substantial improvement as a gateway out of tobacco using e-cigarettes.

Mr. Steve Manske: That's interesting.

Mr. Randy Hillier: So I'm not sure where you're looking for the studies. They were pretty easy to find—peer-reviewed medical studies and surveys.

Mr. Steve Manske: I think we need to look at the strength of those studies and so on. The question that you asked is in regard to: Is it a stepping stone into tobacco use? I don't think in Canada that we have those kinds of studies available. We're collecting that information as we speak.

Mr. Randy Hillier: We know we have lots of anecdotal evidence that it's a gateway out. Do we have any anecdotal evidence that it's a gateway in?

Mr. Steve Manske: Not that I'm aware of. I don't have that evidence.

Mr. Randy Hillier: Are you familiar with the Lung Association of Nova Scotia and the Flavoured Products Consultation Report done in the Legislative Assembly of Nova Scotia?

Mr. Steve Manske: I have been made aware of that.

Mr. Randy Hillier: The Lung Association there has come out very clearly not to impose regulations on e-cigarettes, including flavoured e-juices, unless guided by evidence, and that the legislation should be based on evidence. Looking through their comments, almost all e-cigarette users are smokers who are trying to quit. And,

of course, that's my experience. The hundreds, if not thousands, of people who've contacted my office are trying to quit, and they have found it to be a very effective tool to do so.

Mr. Steve Manske: I would challenge that almost all e-cigarette users are those trying to quit, because we know from our Quebec study that there are lots and lots of youth—

Mr. Randy Hillier: Do you have any evidence that that statement is false or not entirely correct?

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Mr. Steve Manske: I think that what we can show is that there are lots of youth who are not trying to quit smoking who are using e-cigarettes.

Mr. Randy Hillier: But I think you would agree that there are thousands—a great preponderance of people are using them to quit. Would that be—

Mr. Steve Manske: No, I don't have that evidence.

Mr. Randy Hillier: You don't. Okay.

The Chair (Mr. Grant Crack): Thank you very much. We appreciate it, Mr. Manske, you coming before committee this afternoon.

ONTARIO CAMPAIGN FOR ACTION ON TOBACCO

The Chair (Mr. Grant Crack): We have the Ontario Campaign for Action on Tobacco, Mr. Michael Perley. Welcome, sir.

Mr. Michael Perley: Thank you. I have a prop, if I may.

The Chair (Mr. Grant Crack): We're not in the House so that should be permitted.

Mr. Michael Perley: We're not in the House, no.

Mr. Chair and members of the committee, thank you for allowing me to speak in support of Bill 45 and its provisions relating to the control of tobacco products and electronic cigarette products.

On behalf of the Ontario Campaign's partners—the Canadian Cancer Society's Ontario division, the Heart and Stroke Foundation of Ontario, the Non-Smokers' Rights Association and the Ontario Medical Association—I would like to congratulate the government for preparing and introducing this excellent legislation and the two opposition parties for supporting its passage.

I would like to briefly focus on three subjects: flavoured cigarettes rolling papers, water pipes or hookah and e-cigarettes. As you will hear from the Canadian Cancer Society later this afternoon, cigarette rolling papers are produced in many of the same flavours as other flavoured tobacco products regulated under Bill 45. We recommend that these rolling papers be included in Bill 45's flavours ban.

Concerning water pipes—and I have an example here—the bill allows public health inspectors to take samples of shisha, the material that is combusted in water pipes, in order to test for the presence of tobacco. Some shisha contains tobacco and some, called herbal shisha, does not. Both are often smoked in cafés and restaurants

despite the Smoke-Free Ontario Act's ban on indoor tobacco smoking. Inspectors have difficulty determining whether shisha containing tobacco is being smoked in a water pipe unless the material is tested, hence Bill 45's provision.

Testing, however, will do nothing to address the serious health consequences of exposure to water pipe smoke. Studies from various jurisdictions have made clear that water pipe emissions, whether from shisha containing tobacco or from herbal shisha, are hazardous to anyone exposed to them either by first-hand smoking or second-hand. I have attached the Ontario Campaign's backgrounder on this issue for you and it references these health studies in detail.

Of equal concern, new data shows that many high school students are now using water pipes including one in four high school seniors across Canada. Data just published by the University of Waterloo show that about 101,500 Ontario high school students have ever tried water pipes and 38,500 report using them within the past 30 days. The data also show that nearly four in 10 students believe smoking a water pipe is not as dangerous as smoking cigarettes, a belief that is simply wrong.

This is an ominous trend and it's not only a Canadian trend. The evidence has convinced many countries, including Turkey, and numerous Middle Eastern jurisdictions to ban or severely restrict where water pipes may be smoked. Some Canadian jurisdictions, including Alberta, Nova Scotia and the city of Vancouver, are also banning indoor use of water pipes.

We recommend that regulatory authority to control the indoor combustion of organic substances other than tobacco, like shisha, should be added to Bill 45, so that appropriate consultation and regulatory action on water pipe use can occur as soon as possible.

Finally, concerning e-cigarettes: The Ontario government's approach in our view strikes an entirely appropriate middle ground between excessive regulation of a promising product, the currently unregulated e-cigarette market in Ontario, and the many gaps in e-cigarette research. No one to our knowledge is in favour of the sale of these products to young people, as you heard earlier.

Given the many unknowns about potential health effects from exposure to nicotine vapour and other by-products of vaping and the concern that smoking behaviour may be renormalized if vaping is allowed indoors, there is also wide-spread agreement that e-cigarette use should be prohibited in workplaces and public places indoors.

Concerning e-cigarette marketing and promotion, Bill 45 deals with promotion in the retail environment. We have no objection if speciality stores selling e-cigarettes are allowed to display their wares, provided that those wares are not visible from outside the store, no one under 19 is allowed in these stores and no products other than e-cigarettes, e-liquid and related accessories are sold in these specialty stores. Thank you.

The Chair (Mr. Grant Crack): Thank you very much. We shall move to the government side. Ms. Hoggarth.

Ms. Ann Hoggarth: Thank you, Mr. Perley, for your presentation. As a former educator, I'm very concerned about the health of our young people. I don't want us to go down a road that we don't know is safe.

Why should flavoured tobacco, including menthol, be prohibited?

Mr. Michael Perley: I think the data that Dr. Manske referred to earlier is pretty clear. We have a disproportionately large number of young people who are using flavoured products who report either ever using them or using them in the past 30 days. The menthol figures pretty well speak for themselves when you compare youth use to the size of the adult market.

What the US FDA has shown is that there are sufficient grounds to believe that a menthol product is a predictor of initiation of smoking, that it is related to the length of time that young people think they're going to smoke. Equally important, it relates to the number of cigarettes that are smoked. Young menthol smokers smoke more cigarettes per day than do young smokers of regular cigarettes.

For all these reasons, I think menthol particularly deserves the attention it's getting from Bill 45, as do the other flavours, which clearly are an ongoing problem.

Ms. Ann Hoggarth: I'd just like to say that I only tried two packs in my life, but both of those packs were menthol. Thank heavens my mother found them, and that was the end of that.

Is menthol an adult product? Why should it be subject to the same prohibition as the other flavours?

Mr. Michael Perley: I don't know that you can distinguish a flavour in a cigarette product. Between youth and adults—menthol cigarettes are equally able to make it easier for adults to smoke. There is some opinion that seems to be around that somehow, allowing adults to continue to smoke menthols is okay; allowing kids to smoke them is not. I don't understand what the distinction is there except that the urgency for the need to address this lies in the fact that we have about 20,000-odd youth menthol smokers every year. Every year we let that continue, based on what Dr. Manske's research shows, there will be more and more young people who start with menthol and move on to regular products.

Ms. Ann Hoggarth: Do I have time for one more?

The Chair (Mr. Grant Crack): Twelve seconds.

Ms. Ann Hoggarth: Do you believe Bill 45 takes an appropriate approach to regulating e-cigarettes in Ontario?

Mr. Michael Perley: Apart from the display issue that I addressed earlier, yes, I think it does. It's perfectly appropriate. I don't think there should be any exposure of anyone indoors to e-cigarettes, in workplaces or public places. There is no rationale behind that scientifically.

Ms. Ann Hoggarth: Thank you so much.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Walker.

Mr. Bill Walker: I'll share with you that I have five siblings and I've lost one to lung cancer. Four of the six smoked; I'm not one of them.

One of my biggest dilemmas with this is people like my sister or my other family members who have tried to smoke. If this is a cessation product that I believe, from people who have come up to me saying, "I've tried everything else in the world to stop and this is the thing that's helping me"—I struggle with why we're so quick to condemn, but not willing to look at it from that perspective. I think Nova Scotia actually pulled it out and did two separate ones, e-cigarettes being one and vaping.

Tobacco: I think what you're saying is you don't want it to be in the hands of youth. I can certainly support that.

You talked a fair bit in here about not being visible from outside of the store, so my question, I guess from what I just led into, is, if someone wants to stop smoking—which I believe is a big part of what we need to be doing in society—this is a tool that is actually working. Do you have a balanced view—is there absolutely no way? Because what if someone wants to quit, and that external marketing can help them to get there?

Mr. Michael Perley: I think the external issue should be clear signage that in this store or in that store, e-cigarettes are for sale. Then once you go into the store—because we don't want anyone under 19 going into stores or having them sold to them; we've heard no one wants young people to be able to buy e-cigarettes—once you go into the store, you then can see the product.

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I think it would be very difficult to do what you suggest, Mr. Walker, if retailers couldn't show the product to their customers. We think that should be done. We just think it could easily leak into promotions in the front of the store that could be seen from the street. Given we want to keep kids away from this and give the sense that this is for adult smokers to quit smoking, I think it's appropriate that they be able to see the wares in the store but not outside.

Mr. Bill Walker: So by contrast to Nicorette gum and the patch—I mean, that's an external marketing campaign that has been out there for many, many years, trying to encourage people to stop. What I'm trying to understand is why we can do that, but we wouldn't allow e-cigarettes or vaping to be similar—

Mr. Michael Perley: Yes, but Nicorette and the patch and others are approved products by Health Canada. They've gone through very rigorous testing and approvals by the government. There are no such standards that are applied by Health Canada, or anyone else at this point, to e-cigarettes. If we get to a day where those standards are available and we have products approved, then we can revisit it. But until we get to that point, we need a prudent, precautionary approach, until we get the scientific data that we are lacking, despite the fact that there are a lot of studies out there on both sides. I think studies being on both sides tell us one thing, which is we need to be careful before we embark on large-scale legalization without any restrictions.

Mr. Bill Walker: Similarly, in some of the previous questions, that evidence-based is the research that conclusively says—one of your paragraphs here says,

“Given the many unknowns about potential health effects from exposure to nicotine vapour and other by-products of vaping....” So there’s no conclusive evidence that it absolutely does.

Again, I’m erring on behalf of those people who are trying to quit, saying, “Why would you wait for two years to allow me to have a product, so that I might be able to quit?”

I mean, my sister—who, unfortunately, has cancer but is still living—did quit as a result of my other sister passing away. Anything that can help her get to that point of stopping—we can’t afford two years, necessarily.

Mr. Michael Perley: We’d welcome federal government action, but there’s no sign of it at this point.

The Chair (Mr. Grant Crack): Thank you very much. Ms. Fife.

Ms. Catherine Fife: Thank you for being here. I wouldn’t hold your breath on federal action on this issue any time soon.

Mr. Michael Perley: I don’t think any of us are, unfortunately.

Ms. Catherine Fife: But I do want to thank you for raising the issue. You’ve already covered the flavoured tobacco. We would like to see that ban right now on menthol, on flavoured tobacco. That’s not the way the legislation is currently crafted.

But the issue of water pipes—your research is actually very interesting. I think it speaks, in some respects, to the vape cigarette issue. In the research that you presented, you said that the use of hookahs in public places is not regulated under the Smoke-Free Ontario Act, and hookah establishments offer an alternative to young people.

Then the most interesting piece is around the verification of identification of the age of the users, and you identify this as an issue. Do you not see that as an issue with the vapour cigarettes as well, the e-cigarettes?

Mr. Michael Perley: I think that no one wants e-cigarettes sold to young people, and no one wants them used in indoor workplaces and public places. That will provide a very substantial amount of protection, first of all, for all ages, until we know better, until we know, for example, that high concentrations of nicotine vapour indoors are “harmless.” I don’t think we know that yet. I don’t think we know whether there is an effect or not.

We know nicotine has certain toxicity associated with it. Is it likely to affect people indoors who are exposed to it repeatedly—say, the serving staff, if it were allowed in restaurants and bars? We don’t know that. Until we know that, it makes a lot of sense to prevent those people from being exposed, until we know for sure that there is no toxic effect or that there is some way to mitigate it. But we don’t know that yet, and this is a prudent approach until we know that.

Ms. Catherine Fife: So you would err on the side of caution, obviously—

Mr. Michael Perley: Absolutely.

Ms. Catherine Fife: —and learn from the past. There are a lot of wait-staff in the province of Ontario who contracted lung cancer via second-hand smoke, because it was allowed in restaurants.

Mr. Michael Perley: I’ve been doing this work for 21 years. This reminds me of many of the statements that were made by bar and restaurant owners, that if cigarette smoking were banned in their establishments, they would all go under. I heard this numerous times across the province, in bylaw debates and during the Smoke-Free Ontario Act debate. There are now over 100 studies on the impact of smoke-free, and not one of them has shown any net negative impact. That’s not to say there are not issues specific to e-cigarettes, but our past is instructive.

Ms. Catherine Fife: One final question: How easy is it to get this hookah and smoking paraphernalia? Do you think that that’s a problem in the province of Ontario?

Mr. Michael Perley: Well, it depends on the store. The store that I bought this in, he was very, very rigorous.

Ms. Catherine Fife: Did he ask you for ID?

Mr. Michael Perley: He didn’t, unfortunately. Well, I would have been flattered, I suppose. A young fellow tried to come in while I was there, and he wouldn’t even let him in the door. So depending on the tobacconist and depending on the store—some are very good, some are not so good.

Ms. Catherine Fife: Thank you.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Perley, for coming forward. We appreciated your comments.

CANADA E-JUICE

The Chair (Mr. Grant Crack): Next we have Canada E-Juice. I believe we have Debbie Walker, director, and Stuart Smith.

Ms. Debbie Walker: Stuart Smith was unable to attend today. He had other obligations.

The Chair (Mr. Grant Crack): Thank you. Welcome, Ms. Walker.

Ms. Debbie Walker: I am Debbie Walker, and I am the owner of Canada E-Juice—

The Chair (Mr. Grant Crack): You have five minutes.

Ms. Debbie Walker: —and I am very nervous. I’ve never spoken in front of a group, but I have such a passion for this industry that I have to say something, and say something today.

My company has been in business for almost three years now, and I am very proud of how vaping has changed my life and how I have seen it change the lives of many, many of my customers.

I don’t believe that vaping is going to go away. I believe that the government needs to make it possible. If it is made impossible for the people to get it, it is again going to head to the black market. I don’t want to see that happen. I want to see it legislated and regulated.

I would like to reiterate everything that the CVA has had to say to you folks. I’m a member of the CVA and the ECTA, a paid member and in good standing.

We have many customers who have switched from cigarettes to vaping on the advice of their doctors. With

the high rate of death from smoking, any alternative that could possibly work should be looked into and should be taken into consideration. It is showing now, through research studies—I'm shaking—

The Chair (Mr. Grant Crack): That's okay.

Ms. Debbie Walker:—done by many companies and in many countries, a sampling of which I have included in the packages we have provided you with—the House of Commons in the UK has also opened a vape lounge for the MPPs in Westminster. To me, this shows that there is some understanding of the importance and the value of vaping. We do understand the ban of the sale of e-cigarettes to minors and have followed this practice since day one.

A ban of e-cigarettes in any way and in all public places seems a little unnecessary. I think we need to take into consideration that it is not a cigarette, and it is not tobacco; it is a vapour.

I do not believe that vaping should fall under the same regulations as the tobacco industry. The ban on displaying of e-cigarettes and e-liquids, even for viewing of the products, would stop people from learning the benefits of vaping. People smoking now would be unable to gain the knowledge that they need to begin vaping. Knowledge and instruction are needed because this is a new industry. The ban of promotion of e-cigarettes would not allow for smokers to be aware of this fantastic alternative.

The business and management would only be allowed to show the basic information and pricing of a product. Again, the customers would need to learn, to be shown, to be safe, to be knowledgeable, to be able to use their products and have success.

I have no problem with the government coming in to inspect. That is a given. I follow all Health Canada regulations and guidelines that I could find. We have had three separate visits from three different departments from Health Canada into our business without any warning or consent—gave them a full tour, and all parties were satisfied at the end of the visits.

I am a member of the ECTA and pay to follow these standards that exceed all government requirements to this date. We are a company that has grown from two to 11 employees in just two years through the demand for this product. I have a tremendous passion for this industry.

We have a petition we pulled up this weekend from MPP Randy Hillier. We have almost five pages filled in just two days of trying.

These hearings feel like a rushed judgment, and there has not been much time to prepare because the hearing was not announced until last week. I was unable to book an appointment with my own MPP until April 24, which is obviously after the hearings.

I, myself, am not a scientist, nor am I pharmacist or any kind of expert in any way. All I am is a business owner who knows and has seen what has happened to the customers who walk through my door or who order online.

We have included recent studies for you that have been done in different countries for your review. I hope

that you will please take the time and consider all of the information put before you in this hearing. I appreciate your time and listening. Thank you.

The Chair (Mr. Grant Crack): Thank you very much. You did exceptionally well. We'll start with the NDP. Ms. Fife, are you ready?

Ms. Catherine Fife: Is it me? No, it's them.

The Chair (Mr. Grant Crack): Well, generally what I do is, I go PC, NDP and Liberal. When they start, we do three, and then you start, and then—

Ms. Catherine Fife: Okay. No, that's fine.

Thanks very much for coming in. I can see that you are passionate about this issue. Our concern, though, is that there's not enough evidence and research on the quality of the vapour. Do you want to speak to that at all?

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Ms. Debbie Walker: Well, there have been, as was mentioned earlier, over 38 studies that have been done in different countries by different companies, peer-reviewed studies—

Ms. Catherine Fife: But not in Canada, right?

Ms. Debbie Walker: Nothing has been done in Canada. However, we do follow all food and health guidelines that are made available. As the CVA had said, there are only four products that are available in the e-liquid; whereas there are 3,999 chemicals, approximately, in a cigarette. I don't even believe that vaping should be in a section with tobacco because it is not a tobacco.

Ms. Catherine Fife: You know that Bill 45 doesn't ban vapour cigarettes, though?

Ms. Debbie Walker: Correct.

Ms. Catherine Fife: It doesn't. So what are your main concerns, then, with this legislation?

Ms. Debbie Walker: My main concerns are what is being brought up. One of my strong points would be the flavouring. If you take away the flavouring and go flavourless—you keep referring to flavouring in tobaccos. I'm not much of a drinker, but I would go to the fact that alcohol is for adults, but you can get blueberry alcohol, and you can get vanilla-cupcake alcohol. Yet you can also take a child in there to purchase this alcohol. So to me, that's one of the strong points. I don't want to see the flavours disappear.

Canada E-Juice was started because we ordered from China and we got disgusting juice; we didn't know what was in it. I became the maker of the juice because I had a passion for making sure it was good quality. I knew exactly what was going into it, and every customer would know exactly what they're vaping.

Ms. Catherine Fife: So these four ingredients that were listed before—

Ms. Debbie Walker: Propylene glycol, vegetable glycerine, nicotine and food flavouring.

Ms. Catherine Fife: Yes. You don't have any concern about the first item, the propylene?

Ms. Debbie Walker: Propylene glycol is in 90% of the foods that we ingest, from the information that I've found. It's in almost all things that we put in our bodies now.

I've been vaping for almost three years, and I haven't been to a doctor since I started vaping. I caught a cold this year, and I beat it in two weeks. Where everybody else was going to doctors, I did not need to go to a doctor. When I was smoking, I would have had to. I would have been on antibiotics.

Ms. Catherine Fife: How profitable is your business?

Ms. Debbie Walker: I'm not in it for the profit.

Ms. Catherine Fife: I'm just asking you a question. Are you making a profit? Is it a profitable business?

Ms. Debbie Walker: Yes. Yes, it is a—

Ms. Catherine Fife: And you said that you went from three employees to 11 employees?

Ms. Debbie Walker: From two employees to 11, correct.

Ms. Catherine Fife: Over the course of three years?

Ms. Debbie Walker: Two years.

Ms. Catherine Fife: And who are the demographic? Who are you serving? Tell us about the people who come into your—

Ms. Debbie Walker: Well, locally, we have a retail store in Oshawa. We took ourselves into an industrial area. We're not downtown, in a mall or that sort of thing. I don't agree with that. We do need to keep it away from minors. And we service online across this country, to the United States and other countries. We even distribute back to Hong Kong.

Ms. Catherine Fife: How do you ensure that your online customers are of age?

Ms. Debbie Walker: We have an age of majority checkbox before they can enter.

Ms. Catherine Fife: Okay. I do want—

The Chair (Mr. Grant Crack): Thank you very much.

Ms. Catherine Fife: Okay.

The Chair (Mr. Grant Crack): We appreciate that. We'll move to the government side, and we have Ms. Kiwala.

Ms. Sophie Kiwala: Thanks very much for coming, and well done on your presentation. I'll just lead right into the questions that I have for you.

According to your website, you produce and sell e-cigarette juice with nicotine in it. Is that correct?

Ms. Debbie Walker: Yes.

Ms. Sophie Kiwala: Are you aware that it's illegal without Health Canada approval?

Ms. Debbie Walker: A four-milligram or less dose, from my understanding, is not illegal.

Ms. Sophie Kiwala: From your understanding. Okay.

Ms. Debbie Walker: We don't go anywhere near that.

Ms. Sophie Kiwala: You don't have Health Canada approval, then, to sell nicotine products?

Ms. Debbie Walker: No. I don't believe there is any approval.

Ms. Sophie Kiwala: If not, what are you doing to come into compliance with the law?

Ms. Debbie Walker: I'm following all of the guidelines that I can. I did due diligence to find out that this

hearing was today and put together as much information as I could for you folks to read.

Ms. Sophie Kiwala: Perfect. On your website, you claim your e-cigarettes offer "better, and more improved health." The CVA, the first presenter, said it regularly checks websites for health claims. You don't have Health Canada approval to make health claims with respect to e-cigarettes, is that correct?

Ms. Debbie Walker: Correct.

Ms. Sophie Kiwala: What are you doing to come into compliance with that law?

Ms. Debbie Walker: I have a corporate lawyer working on it right now, as a matter of fact.

Ms. Sophie Kiwala: There have been reports of children and pets being poisoned by biting into nicotine-containing e-cigarette cartridges. Can you comment on these reports?

Ms. Debbie Walker: I've never heard of those reports. I did hear of one infant in the United States who died, and that was due to negligence. It was ruled, I believe, no-fault.

Ms. Sophie Kiwala: An infant who died.

Ms. Debbie Walker: It was an accident.

Ms. Sophie Kiwala: An accident. Okay.

Ms. Debbie Walker: We use childproof caps and we follow all the regulations that we possibly can.

Ms. Sophie Kiwala: Are you aware that the World Health Organization recently concluded that evidence for the effectiveness of e-cigarettes as smoking cessation aids is limited and does not allow conclusions to be reached?

Ms. Debbie Walker: I don't know how to answer you on that one. Can I get that question again? Sorry.

Ms. Sophie Kiwala: Sure. Are you aware that the World Health Organization recently concluded that evidence for the effectiveness of e-cigarettes as smoking cessation aids is limited and does not allow—as we've already heard here today—conclusions to be reached?

Ms. Debbie Walker: I don't believe there are any conclusions yet for any of this. I think there needs to be a whole lot more studying done and more research.

Ms. Sophie Kiwala: Yes, we agree.

Ms. Debbie Walker: Definitely.

Ms. Sophie Kiwala: Are you aware that the same report found that e-cigarettes do not produce merely water vapour, but pose threats to adolescents and fetuses, and increase exposure of non-smokers and bystanders to nicotine and a number of toxicants?

Ms. Debbie Walker: To that, I would like to say that every day, for the most part, we take a shower—five to 10 minutes in the shower. I don't even think that we think about the fact that we've got all the chemicals in our soaps, our shampoos. We are vaporizing them. We are steaming them and we are breathing them. That is, to me, no different—in fact, it's worse.

The Chair (Mr. Grant Crack): Thank you very much. We'll move to Mr. Hillier.

Mr. Randy Hillier: Thank you, Chair, and thank you for being here. I am a little bit disappointed with the

quality of the questions being presented to you today. But I will ask you this question: Have you ever had anybody come into your store and say, “I am not a smoker. I have never smoked and I want to vape”?

Ms. Debbie Walker: No.

Mr. Randy Hillier: No. Everybody who comes into your retail store—what can you describe? What is their purpose for enquiring about vaping?

Ms. Debbie Walker: The general consensus of every customer coming in the store is, “I’m a smoker and I don’t want to smoke anymore.”

Mr. Randy Hillier: Right. That has been my experience. I’ll ask the Chair maybe if the research table could also—we’ve seen stacks and stacks of paper delivered to this committee today. Could you give us an indication of how many of those are testimonials to the effectiveness of using e-cigarettes to stop smoking? If not today, at some time we could compile that list.

The Chair (Mr. Grant Crack): Okay. So there has been a request for legislative research to compile that list. I’m doubtful that it would be available at this particular point, but I think it would be provided—

Mr. Randy Hillier: But I think it would be fair in saying to the research table that a good number of these pieces of paper on our tables are testimonials to the effectiveness of people quitting smoking. Would that be a fair statement?

The Chair (Mr. Grant Crack): Do you want to respond to that?

Mr. Jerry Richmond: With respect, Mr. Chair and Mr. Hillier, a suggestion: Possibly with the assistance of Ministry of Health officials, maybe I can tap into reputable studies that speak to this.

Mr. Randy Hillier: I see a number of reputable studies. I was just looking for the quantity of testimonials of people who have demonstrated the effectiveness.

I also just want to mention, as compared to the questions from the Liberal side: Are you aware that the Nova Scotia Legislature has removed their proposed regulations on e-cigarettes?

Ms. Debbie Walker: Yes.

Mr. Randy Hillier: Are you also aware that they had proposed these regulations back last fall and that they’ve done a substantial study and consultation since then? I believe that every member of the committee has this Legislative Assembly consultation report.

In it, contrary to what the member from Kingston and the Islands said, the Lung Association has clearly stated that there is substantial harm reduction achieved through the use of e-cigarettes. E-cigarettes do not contain tobacco. There is potential benefit and they are recognized for harm reduction. Those sheets of paper are on the desks of every committee member here today. I would encourage the committee members to read what the Lung Association had to say. I’d also encourage the committee members to read the—

The Chair (Mr. Grant Crack): Thank you very much, Mr. Hillier.

Mr. Randy Hillier: —report and see how making laws—

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The Chair (Mr. Grant Crack): Thank you very much, Mr. Hillier. I appreciate that. Thank you very much for coming before committee. We appreciate it.

Ms. Debbie Walker: Thank you very much.

IMPERIAL TOBACCO CANADA

The Chair (Mr. Grant Crack): We have, from Imperial Tobacco Canada Ltd., Mr. Gagnon, director of government and regulatory affairs. Welcome, Mr. Gagnon. You have five minutes.

Mr. Eric Gagnon: Thank you for the opportunity to discuss Bill 45. My comments will focus on schedule 2, which puts restrictions on flavoured tobacco products, and on schedule 3, which establishes a legislative framework for e-cigarettes.

First of all, Imperial Tobacco Canada supports what we believe to be the spirit of Bill 45, which is to keep tobacco products out of the hands of youth and establish a regulatory framework for e-cigarettes. However, Bill 45 was drafted without stakeholder consultation and, as a result, is poorly conceived and will have negative unintended consequences.

Let me start with schedule 2. Imperial Tobacco Canada, the largest legal tobacco manufacturer in Canada, believes kids should not smoke. There are important health risks associated with smoking and our products should be consumed by adults who have made a conscious decision knowing all the facts. We do not make or sell any candy-, fruity- or confectionary-flavoured tobacco products and we support legislation to ban them, if it is based on evidence to show that they are appealing to youth.

Overall, smoking rates are declining. Health Canada’s Youth Smoking Survey found that 4% of students in grades 6 to 12 are current smokers and Canada’s overall smoking rates are at an all-time low. Conversely, youth use of other substances is drastically higher. According to the Youth Smoking Survey, 41% of youth report using alcohol, yet government-controlled retail outlets sell an incredible array of flavoured alcohol products with names such as Skinnygirl Tangerine Vodka. If the government’s position is that flavours are appealing to youth, we look forward to the implementation of a flavoured alcohol ban in Ontario as well.

The only flavoured product we sell is menthol cigarettes. It is our position that this product should be exempt from the flavour ban for the following reasons.

First, when the federal government introduced a flavour ban on tobacco products, menthol was excluded from the ban because “there is no sufficient evidence to suggest menthol is appealing to youth.” In fact, menthol cigarettes are a traditional product that has been sold in Ontario for about 80 years and a product catering to an adult demographic. Indeed, independent market research from GfK Research Dynamics confirms that menthol is more popular with smokers who are over 30 years old, which contradicts suggestions that menthol is a tobacco preferred by youth.

Second, the menthol cigarette category is not designed, packaged and priced to appeal to youth. Those cigarettes are only sold in legally mandated package sizes of at least 20 cigarettes, which puts them at a significantly higher price point than other flavoured tobacco products that may be sold individually or in small packages. It is also worth mentioning that menthol use has been declining for decades whereas the sale of other flavoured tobacco products has exploded in recent years.

Finally, and despite what some would like you to believe, the scientific weight of evidence does not support the conclusion that menthol cigarettes are more addictive than non-menthol, that menthol draws youth to smoking or that a menthol ban would have an impact on youth smoking rates.

No cause-and-effect relationship has been established, and to suggest otherwise is misleading. For example, the largely cited Canadian surveys from the Propel Centre were not developed to study the cause-and-effect relationship of smoking. Despite that, many use the data to suggest that the reported use of menthol cigarettes by youth smokers makes a ban an effective means to reduce smoking.

Those calling for a menthol ban are in fact deliberately distorting publicly available data to support their prohibition campaign. In fact, data from Health Canada's Youth Smoking Survey shows that upwards of 75% of youth from grades 6 to 12 get tobacco products from social sources, meaning family and friends. If the goal is really to eradicate youth smoking, it is respectfully submitted that this is where the Ontario government should focus its efforts.

The committee must also question the effectiveness of a menthol ban in Ontario where 40% of the tobacco products sold are contraband. Sales will simply shift from a legal taxed and regulated market to one that is illegal, unregulated and untaxed and one that is also far more accessible to youth.

We are now aware of at least 35 menthol cigarette brands being available for sale in the contraband market in Ontario, which is approximately double the number of legal menthol brands. That is your tobacco control reality in Ontario, and Bill 45 is completely blind to it.

As for schedule 3, our concern is twofold. First, despite the fact that e-cigs is a complex area and that there are vigorous debates within the public health community on the appropriate regulatory framework, Bill 45 was drafted without any stakeholder consultation.

The Chair (Mr. Grant Crack): Okay. Thank you very much for your comments. I apologize.

We'll move to the government side: Mr. Fraser.

Mr. John Fraser: Thank you very much for being here today, Mr. Gagnon. I would like to talk to you very briefly about the two things you talked about.

Again, anecdotally, as a smoker—a former smoker—as a youth, menthol was a gateway for me. I know that it was, personally. Now, that's obviously not empirical evidence.

But we did listen to the evidence from both Mr. Manske and Mr. Perley—if I could just go over that

again—that 29% of youth use menthol cigarettes; 50% of the regular daily smokers use menthol cigarettes; and youth who smoke menthol cigarettes smoke more cigarettes than youth who smoke regular cigarettes. So there is evidence that there's a predictor of future behaviour.

You said at the outset that kids should not smoke, and I think we all agree with that. Smoking is probably the number one public health issue of the last 75 years. It has been up at the top of the list.

I appreciate your representation in terms of menthol, and some of your concerns. I would equally say that it's anecdotal that it's going to drive contraband sales, and on top of that, that that's not going to solve the problem. I don't know if you want to comment on that.

Mr. Eric Gagnon: Yes. First of all, I don't think 40% of the market being illegal is anecdotal, to be honest. There is clear evidence that when a product is banned, it is available on the illegal market. We saw it when C-32, at the federal level, was implemented. That's the first thing.

The second thing is that there is no evidence to demonstrate that youth start smoking because of menthol products. I appreciate your example, but to be fair, that's not evidence-based. There are a lot of other cases where people have started smoking, and youth have started smoking, without smoking menthol products.

What the Propel Centre research says is that in the last 40 days, youth who are already smokers have tried a menthol product, and that could be one to two cigarettes.

Again, the evidence does not show that youth start smoking because of menthol products. As I said in my remarks, 75% of youth who smoke get their products from social sources, and that is the real issue that we need to address.

Mr. John Fraser: One comment that relates directly to the vulnerability of youth: You may have heard earlier that I quoted an American study that said that in 2013-14, the number of youth vaping tripled in the United States. Can you make a comment on that? I think it's further evidence of the vulnerability of youth, and that's what we're trying to address in this bill.

The Chair (Mr. Grant Crack): It will have to be quick—five seconds.

Mr. Eric Gagnon: As I said earlier, I think on the e-cigs front, the health community does not seem to agree. What we're saying is that before regulating e-cigarettes, there needs to be further consultation with the experts to make sure that the regulatory framework that is put in place meets the potential health-reducing products of e-cigarettes.

The Chair (Mr. Grant Crack): Thank you very much. We'll move to Mr. Walker.

Mr. Bill Walker: Thank you very much. There's a lot of information here, which is always the case. You talked a little bit about the study—Health Canada's Youth Smoking Survey found that 4% of students in grades six to 12 were current smokers. Can you tell me if that includes e-cigs, or does it only talk about traditional cigarette smoking?

Mr. Eric Gagnon: From my knowledge, this is only cigarettes.

Mr. Bill Walker: Earlier in your presentation: “Notwithstanding what you may have heard, notably from the tobacco control community, the scientific weight of evidence does not support the conclusion that menthol cigarettes are more addictive than non-menthol, that menthol draws youth to smoking, or that a menthol ban would have an impact on youth smoking rates.”

Are you aware of any studies, that are conclusively evidence-based, that can tell me yes or no?

Mr. Eric Gagnon: I can certainly share with you after this, but there is evidence to demonstrate that people who smoke menthol products do not smoke more than people who smoke non-menthol products. This is one piece of evidence.

What we’re saying is that that study specifically does not make a clear correlation between youth smoking and menthol products, and on that basis, it’s important that legislators understand the real evidence and not legislate based on wrong facts.

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Mr. Bill Walker: Right. And you didn’t really—and I realize you’re limited in time—talk about contraband with your whole package, but can you expand upon that? One of the things that has been talked about in the House during the debate was that there’s nothing in there about contraband. A lot of people are going to that market. Certainly, I hear it anecdotally in my riding of Bruce–Grey–Owen Sound. That’s where a lot of the youth are being—if there’s a gateway, that’s where it is, because they can buy a bag of cigarettes for seven or eight bucks, versus \$80 or \$90 for a carton. Can you talk about that a little bit?

Mr. Eric Gagnon: Of course. It’s not Imperial Tobacco alone that is talking about that. The RCMP has said that approximately 40% of the tobacco sold in Ontario is illegal. We know that there are reports of at least 35 menthol brands already on the illegal market. This is double the size of what’s available on the legal channel.

Seriously, it’s a no-brainer when you think about it. You’re banning a product from the legal channel which you need to be 18 or 21 in Ontario to purchase, which is sold in packs of 20. That is costly. What you are doing is giving it to the illegal traders, who are going to the schoolyards—and the RCMP has demonstrated that these dealers go to schoolyards and sell those products by units. They are also the same people who deal drugs and who are linked to terrorism.

What we’re saying is that before banning a product such as menthol, we need to recognize the reality in Ontario. The fact is that we’re only moving that product from the legal channel to the illegal channel.

Mr. Bill Walker: And on a similar—not just contraband—also with the banning of ethanol, does that necessarily mean they stop smoking ethanol—

M^{me} France Gélinas: Menthol.

Mr. Bill Walker: —menthol—sorry—or do they just go and find another source?

Mr. Eric Gagnon: Well, they’ll find another source. I think there was a survey published by the retail association in the newspapers that demonstrated that 70% or 75% of menthol smokers said that if the product were to be banned, they would purchase it illegally.

The Acting Chair (Mr. John Fraser): Thank you very much, Mr. Gagnon, for presenting—oh, sorry. Pardon me. Ms. Gélinas.

M^{me} France Gélinas: Thank you. Welcome to Queen’s Park.

Mr. Eric Gagnon: Thank you.

M^{me} France Gélinas: You opened by saying that Imperial Tobacco Canada does not have any fruit flavours, so you don’t oppose the ban, but you oppose the ban on menthol. Take me through what the difference is between the two. Why is it that it’s okay to ban certain flavours, but it’s not okay to ban the flavour that you manufacture?

Mr. Eric Gagnon: We don’t believe that bubble gum, cherry and that type of confectionary flavour should be part of a product like tobacco, to be honest. If there is evidence to show that these products are a gateway, they should be banned if they are appealing to youth. What we say is that there is no clear evidence to demonstrate that youth start smoking because of menthol products.

M^{me} France Gélinas: I don’t want to put words in your mouth, but does that mean that if we had a body of evidence that proved that it is a gateway, you would support the ban on menthol?

Mr. Eric Gagnon: What I’m saying is that as of today, there is no evidence to show that youth start smoking because of menthol products, and on that basis, there should not be a ban on menthol products. They should not be considered as other flavoured tobacco products.

M^{me} France Gélinas: Okay, but my question is, if we can show a body of evidence that shows that it is a gateway, then would your company agree?

Mr. Eric Gagnon: My answer is that to date, there is no evidence to show that, and on that basis—

M^{me} France Gélinas: You should be a politician.

My next question is, in your brief, when you talk about e-cigarettes, you talk about “companies like our affiliates.” Who are the affiliates of either British American Tobacco or Imperial Tobacco Canada that are doing work in e-cigarettes?

Mr. Eric Gagnon: Sorry, I’m not sure I got the question right.

M^{me} France Gélinas: In your brief, you said “companies like our affiliates” when you talk about your position on e-cigarettes. Who are those affiliates?

Mr. Eric Gagnon: Okay. We are owned by British American Tobacco. British American Tobacco has e-cigarettes on the market in the UK, but we don’t have any products in Canada.

Just to remind everybody, in Canada, e-cigarettes with nicotine are illegal unless approved by Health Canada, and as of today there are no e-cigarettes with nicotine that have been approved. So all the products that are being sold today in Ontario are illegal.

M^{me} France G  linas: The markets that you have in the UK: Are you selling vaporizers with nicotine or without?

Mr. Eric Gagnon: With nicotine.

M^{me} France G  linas: They are with nicotine. And do they sell flavours in the UK?

Mr. Eric Gagnon: I don't have enough information to answer that, but I can certainly follow up with you.

You have to understand that there's a difference between e-cigarettes—you need flavours in e-cigarettes to sell them; otherwise, it just doesn't work. There's a difference, though, with confectionary flavours and other flavours.

M^{me} France G  linas: Okay, so I cannot get you to say on the record that if the body of evidence is strong enough that menthol is a gateway to youth smoking—but will you deny it then? If the body of evidence was there, would you still be opposed to banning menthol?

Mr. Eric Gagnon: Yes, but that's a question that is—we can be here all day. There's no evidence today to show for it. The day that there is, we can talk about it.

The Acting Chair (Mr. John Fraser): Thank you very much.

M^{me} France G  linas: Thank you.

The Acting Chair (Mr. John Fraser): Thank you for presenting.

HEART AND STROKE FOUNDATION OF ONTARIO

The Acting Chair (Mr. John Fraser): Our next presenter from the Heart and Stroke Foundation of Ontario: Mark Holland, executive director.

Mr. Mark Holland: Thank you, Mr. Chairman, and thank you, members of the committee. It's a pleasure to be here before you today on behalf of the 140,000 volunteers and nearly two million donors nationally to the Heart and Stroke Foundation.

On behalf of all of those individuals we represent, I want to commend both the government and opposition members for the support of this bill. This represents important work in public health. This is really a revolutionary step forward in tobacco control and also with respect to helping inform Canadian consumers about the food they're eating and the caloric content. I commend the government.

We've made tremendous strides in tobacco control. We've done that in partnership with governments of many different stripes. If you go back to the 1960s, when we were at around 50% of Ontarians smoking, to today at 18%, it's through our collective efforts against a resourceful, determined industry that deals in disease and death—that never stops innovating to find ways to get people addicted to their products—that we've been able to get where we are.

The reality over the last number of years is that progress is stalled. So legislation like this and other action is absolutely needed.

Just very quickly on menthol, and I have to say this given the testimony you were hearing immediately before me: One third, roughly, of menthol smokers are teens. Menthol smokers smoke around 43 cigarettes per week versus 26. We can't get this out of the market fast enough—full stop, period. If we could have it done tomorrow, I'd be ecstatic. The legislation, I know, provides for a longer time horizon. We would like for it to be shorter.

I also want to talk about the newer provisions regarding e-cigarettes. The reality is, the jury is out on the effectiveness of e-cigarettes as a cessation tool, and we want to see where that evidence goes.

Let us remember that this bill does not ban the use for adults, at all, of e-cigarettes as a cessation option. As a foundation, we provide no guidance as to whether or not that is a good or bad option. We are a research-based organization, and we won't make a recommendation as such until the preponderance of research demonstrates that it's a safe and effective tool to use in cessation.

But what we do know—and I haven't heard any evidence to the contrary—is that we don't want e-cigarettes in the hands of kids. Moreover, we don't want to undo the work that we've done to this point on denormalizing the behaviour of smoking in public places.

Folks, I don't know about you, but when I walk into a restaurant or I'm in a bar, I don't see cigarette smoke anymore. It has become something that's abhorrent if I travel abroad. Now when I walk into a restaurant or bar and I see somebody puffing and I see smoke, at first I think somebody's breaking the law. Then I realize: No, it's an e-cigarette. It's renormalizing that behaviour.

When we look at the culture that's emergent in California, we also have to be worried, particularly when we don't know the effects of propylene glycol, when we don't know the effects of second-hand vapour and when we don't know other potential health implications.

I have to be very concerned when there begins to be a culture of non-tobacco users who are using this as something to do independent of tobacco. We only need to take a look at high school students. There was a Canadian Cancer Society study that was done showing that 18% of high school students who are non-tobacco users have used e-cigarettes—it's an emergence of a disturbing trend—and that 31% are interested. These are folks not interested in tobacco but are interested in e-cigarettes.

We're at the beginning of something we can stop from becoming a major problem, particularly when we don't know what the health implications are. Imagine before tobacco exploded if we'd had the same kind of opportunity to put the brakes on and think about it. The reality is, until the evidence is in, let adults use it as an option if they so choose, but let's not allow this to proliferate until it's a problem that we cannot undo.

Now we would say, with respect to the display, that so long as the display is inside a store—it's not visible to the outside, and it's not accessible to minors—we wouldn't have a problem with an amendment that would allow that inside stores of that nature that are only selling those products.

1520

I just want to say, as a last statement, that we do also have concerns with hookah smoke and its damage to the lungs and heart, and would ask that the bill provide regulatory authority to control indoor combustion of organic substances other than just tobacco. Thank you, Mr. Chairman.

The Acting Chair (Mr. John Fraser): Thank you very much, Mr. Holland. Mr. Hillier?

Mr. Randy Hillier: Thanks for being here. You said that we're not banning, but I think you would agree that this bill is significantly limiting access, availability and use, whether or not one might want to characterize that as a ban.

You should be familiar—in your testimony, you said that the jury's out. I want to take you to the testimony that Dr. John Britton from the United Kingdom Centre for Tobacco and Alcohol Studies presented to the House of Commons, which I'm sure you're familiar with. He said that they have found a couple of million smokers in the UK now have reduced their use of cigarettes with vaporizers and e-cigarettes, and that fully over 700,000 people have quit smoking altogether with the use of e-cigarettes and that 700,000 people quitting in four years is more than what the National Health Service smoking cessation services had achieved in the previous decade. Are you familiar with that testimony?

Mr. Mark Holland: Just two comments, if I could, Mr. Chairman.

The first one: Perhaps we have a different definition of banning, Mr. Hillier. A ban would be not allowing you to do something. This bill will absolutely allow folks to continue using e-cigarettes as a cessation tool if they so please; a ban would not allow them to. That's an important distinction. It does stop children from using it and it does stop us renormalizing the activity in the public.

The second thing is, we are a research-based organization. We, along with the Canadian Cancer Society, the World Health Organization and leading researchers in the world, are unanimous in our belief that the science is not there yet. We could spend all day trading studies, talking about the dangers and the benefits, the worries and the concerns, but the reality is, until the preponderance of that evidence is such that we are in a position that we are guaranteeing the health of Ontarians, we feel that this is appropriate and prudent legislation that we stand fully behind.

Mr. Randy Hillier: So you're willing to throw out what, by all indications, is an effective smoking cessation device, restrict its use and restrict its availability because it appears that you're more opposed to the appearance than the actual substance.

Mr. Mark Holland: Well, again, if I could, through you, Mr. Chairman—

Mr. Randy Hillier: So, I want to—700,000 people, greater cessation statistics out of the UK National Health Service in four years than the previous decade.

Is there any level of studies that you would agree would meet your threshold of preponderance? Is there any or would there always be some doubt in your mind?

Mr. Mark Holland: Through you, Mr. Chairman, let me reverse the question. Let me talk about the 18% of high school students using e-cigarettes who are not tobacco smokers. Sir, how would you feel if we found out five years from now that there was evidence that this was incredibly damaging to their health and they developed cancer or heart disease?

The Acting Chair (Mr. John Fraser): Mr. Holland, I'll have to ask you to finish—

Mr. Mark Holland: I'd rather side on the side of caution—

Mr. Randy Hillier: I have two sons who have used vaporizers and they've stopped smoking.

The Acting Chair (Mr. John Fraser): Mr. Hillier, time has elapsed for your question. Ms. Gélinas, please.

M^{me} France Gélinas: I really appreciate the work that the Heart and Stroke Foundation does here in Ontario.

To you, how much anecdotal evidence does it take to convince you that something is science?

Mr. Mark Holland: Thank you very much for the question, and thank you, Ms. Gélinas, for your work on this bill and many others. You've been a real leader in this field, and, on behalf of the foundation, I appreciate your work.

The answer is that it's certainly not me or any individual who decides. We rely upon scientists and researchers to take a look at the body of evidence and to come to conclusions that something represents a safe and effective tool.

What we're saying is, right now, if somebody wants to use this, by all means, please do, if you're an adult. This bill doesn't stop you from doing it. But we can't be in a position to recommend it, and we certainly can't be in a position to see children using this. That's why we think the bill is effective. What would pass that line is when the research community, the people we rely on to make sure that we're reducing heart disease and stroke, tell us that it's going to be a net positive and that it's going to reduce harm.

M^{me} France Gélinas: Counting the number of people who have written to us in all of this, it doesn't matter what the numbers are; it's still not scientific evidence. Scientific evidence is built otherwise than by anecdotes.

Mr. Mark Holland: Yes. I appreciate that people are very passionate about products they use. We're not in the business of telling people to not use a product that they want to use, but we are in the business of making sure that fewer people die of heart disease and stroke. So what we want to make sure of is that we don't allow something to balloon out of control, that we get a situation where this really takes hold and entrenches and we find out later that the scientific evidence isn't there; that in fact it does more damage. We have to err on the side of protection of the public health, and I think that this bill does that.

M^{me} France Gélinas: Would you say that the body of evidence is there to support the fact that menthol is a gateway to smoking for young people?

Mr. Mark Holland: In my opinion, and in the research as we see it, there is no doubt that menthol

makes it easier for youth to smoke, that there are a great number of youth who use menthol for smoking, and that they use the product more than traditional smokers. As such, it is something that we would like to see out of the marketplace as soon as possible.

M^{me} France G  linas: I know that the gains that Ontario has made to decrease the number of smokers, as you said, have stalled; are you encouraged that, if we move forward with this bill, we will make progress again?

Mr. Mark Holland: I believe that this is an important step. It's going to be a long journey. We can't hold out false hope that this alone will do it. I think that we have to continue to work together as a not-for-profit sector, as government, as opposition, to continue to find a way to get rid of this.

Look, the reality is—and one of the reasons why I'm so passionate, Mr. Chairman, just to finish on this point—is that it is still the number two killer when it comes to our disease. It's the number two cause.

The Acting Chair (Mr. John Fraser): Thank you very much, Mr. Holland.

Ms. Hoggarth?

Ms. Ann Hoggarth: Thank you, Chair. Welcome, Mr. Holland, and thank you for your presentation.

I'm very proud of this bill, as a former educator. I think it does a lot to protect our youngest citizens in Ontario, and to me that's very important.

I'd like to switch to the other part of the bill, which has to do with food and nutrition and protecting our children. Why is healthy weight important, especially in childhood?

Mr. Mark Holland: Thank you very much for the question. We have an epidemic when it comes to childhood obesity. I commend the government's work on the Healthy Kids Panel. You've adopted many of the recommendations. This was one of them. We were part of the consultations.

The reality is, when you look at heart disease and stroke, obesity and childhood malhealth are a major driver of that. Nutrition is a major driver of it. It's very difficult for parents to be able to have the information that they require to make informed choices, to make sure that they're making choices that are best for their child's health.

If we don't turn this ship around, it's not only a problem with the fact that kids will end up having shorter lifespans than their parents—that's a tragic enough thing—but imagine the cost to our health system. We look at it just from the perspective of our diseases, and it is literally going to be a tsunami of sickness, illness, disease and death that will hit us if we don't turn around childhood obesity. There's an imperative here.

Again, I don't want to hold this out as a panacea. This information that's provided in the bill is an important step, but there are other things that we must do, and we're really looking forward to working with the government on some of those other things as well.

Ms. Ann Hoggarth: Good. I think you agree that obesity is increasing. I saw it in my junior kinder-

garteners when they come in, year after year. You can definitely see that this is what's happening.

Is menu labelling an effective way to influence consumer choice?

Mr. Mark Holland: Menu labelling is—yes. The evidence out of other jurisdictions that have used it has demonstrated that menu labelling helps inform choices. Anecdotally, I can say that when I go and I take—

Interjections.

Ms. Ann Hoggarth: Excuse me, Chair: point of order.

The Acting Chair (Mr. John Fraser): Yes?

Ms. Ann Hoggarth: Could we please have the discussion move outside, so we can hear the presentation?

The Acting Chair (Mr. John Fraser): Okay. Thank you, Ms. Hoggarth.

Ms. Ann Hoggarth: Sorry, Mr. Holland.

Mr. Mark Holland: No problem. Through you, Mr. Chairman, I—I'm sorry, I lost my train of thought. What was the question again?

Ms. Ann Hoggarth: I asked you if menu labelling was an effective choice to influence consumers.

Mr. Mark Holland: Yes. The evidence is still relatively nascent, but what evidence we do have shows that it does influence consumer behaviour. In fact, there's a lot of research being done out of the University of Toronto, right next door to us here, that is backing that up and showing that this is absolutely the right direction to go in.

I was just going to say, anecdotally even, when I've been in places—and I'm sure members of the committee would have experienced the same thing. When you're trying to make a choice and you look at a menu and you have the information there, it's a helpful tool in making a healthy choice.

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The Acting Chair (Mr. John Fraser): Thank you very much, Mr. Holland.

Mr. Mark Holland: Thank you, Mr. Chairman.

The Acting Chair (Mr. John Fraser): Thank you for your presentation.

180 SMOKE

The Acting Chair (Mr. John Fraser): Our next presenter is 180 Smoke: Boris Giller, co-founder and managing director.

I would just like to say very quickly for people in the public gallery that you cannot participate in the meeting, which means no clapping, shouting or yelling. I'd ask that you respect that rule. Thank you very much.

Mr. Boris Giller: Thank you very much for giving me this opportunity today. I'd like to say that I'm very proud to be in Canada, where we have processes like these in place to get some public opinion before a law becomes a law.

My name is Boris Giller. I'm a co-founder of 180 Smoke, which is a leading e-cigarette brand in Canada. I do have a vested interest in this discussion. I'm an ex-smoker and an ex-vaper. My mother is an ex-smoker and

a current vaper, and my father passed away from smoking five years ago. So this is a personal subject for me.

I also want to mention that I'm co-founder of an e-cigarette company, so I do profit from e-cigarette sales. As you look at my testimony with a grain of skepticism, I would also like to ask you to look at other testimonies with a grain of skepticism, such as the Canadian Cancer Society, directly funded by Nicorette. Nicorette is paying money for ads battling vaping. The same thing with Pfizer, makers of Nicotrol: They're funding the Lung Association, and the Lung Association releases similar statements. The same thing with Mr. Holland previously, and it's also a matter of public knowledge now that the pharma industry is actively lobbying against e-cigarettes. There have been articles in the Bloomberg newspaper and other publications.

We're talking about vaping versus e-cigarettes. A few basic assumptions: Vaping is safer than smoking. That is undisputed. Not even the harshest critics of e-cigarettes would say that smoking is better for you than vaping. I would ask you to view it as a transitional tool and a harm reduction tool, not a smoking-cessation tool necessarily. I would ask you not to neglect the non-quitters. It is not a quit-or-die paradigm. People don't have to suffer withdrawal syndromes or die from the health hazards. There's a third option.

I'm going to be making the presentation under the assumption that it is in the best interests of the government not to discourage Canadians from switching at this point in time while smoking is still a big problem. We're asking you to incentivize smokers to make a switch by making it more appealing and supporting the value proposition compared to regular cigarettes and providing a regulatory advantage.

So let's talk about the ban on indoor vaping, which is a big part of this bill. It is not based on science at the moment. Being able to vape indoors is a big incentive to smokers, especially in cold Canada. There's no proof of second-hand vaping harm at the moment. There are more particles being emitted into the air from candles, fireplaces and carpets. The objective is to be safe here, but the ban is harmful as it disincentivizes smokers on the fence while failing to prevent any real harm. I would ask you to look into existing air quality research, and we do have enough research on the subject. So we would ask you to allow indoor vaping and don't send ex-smokers outside with the smokers breathing second-hand smoke.

Ban on promoting and displaying the products: This cripples our ability to demonstrate real benefits of the product compared to cigarettes, and it slows the recruitment of smokers. It also cripples our ability to demonstrate proper use and dosage to new users, which could result in misuse.

The most famous study criticizing e-cigarettes at the moment, the one that says they have 10 times more carcinogens than cigarettes, is a retracted study from Japan that has been making a lot of circles. The way they manage to get those high levels of carcinogens is by abusing a very old model of the product. So proper use is very important.

I'd like to also address the gateway to smoking and the renormalization myth. The data simply doesn't support it. A large UK study shows that e-cigarettes were almost exclusively used by smokers and ex-smokers, almost none by those who had never smoked. In addition, the limited data suggests that the likelihood of abuse from e-cigarettes could be smaller than that of traditional NRT—patches and gums. There's another study by the US government.

There's also enough data to support that there is an inverse correlation between smoking rates and vaping rates. When vaping was banned in New York, smoking rates skyrocketed. As vaping was reintroduced, they dropped back again.

Another point, the ban of flavours: 100% of our customers are over 19. An overwhelming majority of them prefer flavours. To say that only children like flavours is ageist. When he switches, a smoker's taste palate changes; the tobacco taste becomes unpleasant and there is a disassociation, so it is a positive thing to move them away from tobacco. Banning flavours will drive the e-juice industry underground and will create a whole DIY industry. This is where the real damage can happen. We also currently have a lot of other adult-only products with flavours. Should we all start banning flavoured vodka now?

I would ask you also to listen to vapers instead of to pundits like Mr. Holland. Please don't ignore mounting testimonials of actual long-term users of these products, instead of pharma pundits with arguments like, "We simply don't know," "But it looks like smoking, so it will lead to smoking," and "There's not enough research." Well, there has been a decade of usage and research—

The Acting Chair (Mr. John Fraser): Thank you very much, Mr. Giller. I'm following the rotation to the left of me here, so we'll begin over here. Ms. Kiwala?

Ms. Sophie Kiwala: Thank you for your presentation. Just a couple of things: This is a precautionary piece of legislation. As precautionary legislation—I do believe that a responsible government should not leave the health of its citizens to chance. I'm just going to say that at the outset. I'm one of those people who started smoking young with menthol cigarettes; electronic cigarettes weren't there at that time, obviously.

I do want to also ask you: According to your website, you produce and sell e-cigarette juice with nicotine in it. Is that correct?

Mr. Boris Giller: Correct.

Ms. Sophie Kiwala: Do you have Health Canada approval to sell nicotine products?

Mr. Boris Giller: No. There is currently an advisory against it, and our legal team has corresponded with Health Canada. At the moment, we're selling it.

Ms. Sophie Kiwala: Thank you. What are you doing to come into compliance with that law?

Mr. Boris Giller: We are communicating with them. The correspondence is with our lawyers. At the moment, we have been advised that we can continue.

Ms. Sophie Kiwala: Are you aware that the World Health Organization recently found that e-cigarettes do

not produce merely water vapour, but pose threats to adolescents and fetuses, and increase exposure of non-smokers and bystanders to nicotine and a number of toxicants?

Mr. Boris Giller: Well, the World Health Organization and other organizations are very tied in with many other interests, so I'm going to question their interest there.

Ms. Sophie Kiwala: Namely the health of citizens.

Did you know that Bill 45 would allow the government to make a number of changes to e-cigarette regulations to respond to any new research that may arise? In other words, there's some flexibility built in, and if it is proven at a later date that it is a successful cessation tool, then there would be regulations in place that would allow that change to be made.

Mr. Boris Giller: Well, currently there is no evidence of harm; therefore, why spend government money on banning something with potential harm. We think the potential benefit outweighs the potential harm. Nothing is 100% safe; neither is your cellphone, by the way, but we're not banning cellphone use.

Ms. Sophie Kiwala: I realize that you feel that there is no potential harm.

Mr. Boris Giller: It outweighs—

Ms. Sophie Kiwala: You said yourself that when vaping was banned in one jurisdiction, immediately smoking skyrocketed. That suggests that there may be some habits that have been created and instilled—

Mr. Boris Giller: That's the conclusion you draw from this?

Ms. Sophie Kiwala: Pardon?

Mr. Boris Giller: That's the conclusion? That if vaping goes down, smoking goes up, and therefore vaping is bad?

Ms. Sophie Kiwala: Whatever. Your conclusions are a little faulty, I would say, but that's okay.

Are you aware that the government is funding research into the potential health impacts of e-cigarettes?

Mr. Boris Giller: Yes. We strongly support that.

Ms. Sophie Kiwala: Okay. That's excellent. All right.

The Acting Chair (Mr. John Fraser): That's all the time you have for your questions. Thank you very much. Mr. Hillier?

Mr. Randy Hillier: Maybe I'll just start by reiterating something. The purpose of a committee is to examine, investigate and evaluate testimony, not to engage in frivolous and fruitless lines of questioning. It's supposed to be, actually—

Mr. Mike Colle: Point of order.

Mr. Randy Hillier: —to investigate the testimony. I will say—

The Acting Chair (Mr. John Fraser): Mr. Hillier.

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Mr. Mike Colle: The members of this committee can ask the questions that they feel appropriate. It is not appropriate for other members to impugn motive or quality of questions. They should do their job and ask questions of the presenters and not criticize other members—

The Acting Chair (Mr. John Fraser): Thank you very much, Mr. Colle. Mr. Hillier, I'd ask you to direct your questions and not—

Mr. Randy Hillier: But the purpose of the committee is to examine your testimony and everybody's testimony. The purpose is to ensure that our laws are good laws that are supported by evidence, not just ideology.

I've reiterated about the Nova Scotia Law Amendments Committee. They had a bill in front of the Nova Scotia assembly. They pulled it; they engaged in substantial consultation. After that substantial consultation and actually examining and consulting with deputants, they removed the e-cigarette regulations that are being proposed here. That is a smart, intelligent and thoughtful way to develop laws: engage with people and examine.

Maybe if you take a moment, you've got in your package here that Big Pharma is a big proponent and big supporter of these bans on e-cigarettes because of their own products. They want to advantage their own products as tobacco cessation devices. Maybe you could just expand on that a little bit for the committee.

Mr. Boris Giller: Well, this is a matter of public record now. A lot of these organizations are mainly funded by Big Pharma. Big Pharma, right now, purchases ads. It's not a secret, behind-the-scenes activity; they purchase ads. A lot of memos have leaked about the lobbying they've done. The main method is funding health organizations, using organizations such as Heart and Stroke, the Lung Association, the Canadian Cancer Society, and it's been done the same way in other countries as well.

Mr. Randy Hillier: Big money influencing their outcomes is what you're suggesting.

Mr. Boris Giller: We thought it was going to be Big Tobacco coming after us, but we were surprised to learn that it was Big Pharma.

Mr. Randy Hillier: Yes. Thank you.

The Acting Chair (Mr. John Fraser): Ms. Fife?

Ms. Catherine Fife: Thank you for coming in for your presentation.

You were in the room prior to the previous delegation, and he cited that 18% of youth who are not smokers have expressed an increased interest in trying e-cigarettes and vapour cigarettes. Is that the first time you'd heard that stat?

Mr. Boris Giller: No. The study has been abused and twisted around for a while now. A couple of points about that study is that it's not people who've used cigarettes, it's people who have tried at least once in the past 60 days, and there are other holes in that. I can follow up with you regarding that specific study, if you like.

Ms. Catherine Fife: Okay. I've said this previously, that in downtown Waterloo four new stores have opened. One of them is in a mall, close to a high school. It's a pretty, shiny store; there's lots of neon, there are some couches, there's some paraphernalia, and free coffee and what have you. As someone who has obviously expressed support for e-cigarettes, but obviously not for

those under the age of 19, would you think that's appropriate, that setting is appropriate? Can you comment on that, please?

Mr. Boris Giller: Yes. A couple of things: We absolutely support a ban for underage use. Currently, the industry is self-regulating in that area. Before the regulation is out, we already are serving people 19 and over, and every competitor of mine that I know. The second thing is, just because it's styled in a certain away—I mean, cigar lounges are stylish—it doesn't mean that they appeal to youth; right? As long as it's banned, as long as people check IDs, as long as the online sales are regulated for age—because a lot of couriers allow for ID check upon receipt—as long as those measurements are in place, I think beyond that would be—

Ms. Catherine Fife: Okay. I don't know if you were here previously for another presentation around hookahs, because that's also being compared to the e-cigarettes. The hookah lounges and the paraphernalia are not regulated under the provincial law. We're looking for some regulation on e-cigarettes.

Mr. Boris Giller: Hookahs are about 200 times—you smoke about 200 cigarettes in one hookah session, as far as smoke volume goes. Just because the water cools it down it doesn't reduce any of the harmful effects, it just cools it down. E-cigarettes are not the same at all. They're not in the same category.

Ms. Catherine Fife: So you share our concerns around hookah and—

Mr. Boris Giller: Absolutely. We have an electronic hookah device. We actually released it, open-source, for free for people who can't afford one, where they can just put it on top of a hookah and stick to disposable e-cigarettes and turn their old, traditional hookah into an electronic harmless hookah.

Ms. Catherine Fife: So you're recycling hookahs now?

Mr. Boris Giller: Yes.

Ms. Catherine Fife: Thank you.

The Acting Chair (Mr. John Fraser): Thank you very much, Ms. Fife. Thank you very much, Mr. Giller, for your presentation.

Mr. Boris Giller: Sorry, the last point is that we have a petition with us—

The Acting Chair (Mr. John Fraser): Your time is up. I'm sorry. Thank you.

ONTARIO TOBACCO RESEARCH UNIT

The Acting Chair (Mr. John Fraser): Our next presenter is the Ontario Tobacco Research Unit, University of Toronto: Robert Schwartz, executive director. Thank you very much for being here today, Mr. Schwartz.

Mr. Robert Schwartz: Thank you for having me. It's my pleasure. I've come to represent the voice of science and also to relate to those questions that I've heard, while sitting in the audience, about what is science and what is evidence.

We are conducting a scientific, systematic study of many aspects of e-cigarettes, including a systematic, scientific knowledge synthesis about the cessation aid effectiveness of e-cigarettes and about the health effects of e-cigarettes. I'm going to say a couple of words about those.

The bottom line is that really, at this point in time, there is not sufficient research to determine that e-cigarettes are, in effect, a cessation aid, nor is there sufficient research to determine that e-cigarettes are healthy or unhealthy.

A few words in case these data haven't been in front of you: We have two population surveys in Ontario that demonstrate that the prevalence of e-cigarette use among youngsters 19 years of age and under is about 15%. That's the highest rate of e-cigarette use among all ages, apart from those aged 20 to 24, where it is at 18%. For all people aged 15 and above, it's at 5.6%. That just gives you a sense of who's picking up e-cigarettes and what the prevalence of use is amongst different parts of the population.

What are the potential health effects of e-cigarettes? Well, as I said, we don't really know. There is very limited research, and I wouldn't venture, as a scientist, to say one way or another that e-cigarettes are healthy. There are some studies that suggest that they are not benign for the people who are vaping, the people themselves who are using the e-cigarettes. There are a few studies. There are not sufficient numbers of studies, but there are some that suggest that there are some harmful effects having to do in particular with those e-cigarettes that contain nicotine.

Knowing that today Health Canada doesn't approve nicotine e-cigarettes in this country, we'd also need to take into account that upwards of a quarter of the people using e-cigarettes self-report that they definitely use nicotine in their e-cigarettes. Somewhere near 40% say they don't know if they have nicotine in them or not. In a panel study that we're conducting amongst 2,000 smokers who are using e-cigarettes, 50% self-report that they're using nicotine e-cigarettes. So the potential nicotine health effects of e-cigarettes is something that I think needs to be taken into account in Ontario, despite the fact that Health Canada doesn't currently approve nicotine in e-cigarettes.

We also have some evidence—again, not conclusive—that second-hand exposure to vaping, to the use of e-cigarettes, may have increases in cotinine levels, which is a marker for nicotine, suggesting that there could be harm from that.

There's also some suggestion that some of the flavours in some of the e-cigarettes are quite toxic and also that exposure to e-cigarettes containing nicotine decreases cell viability, with potential—that's potential; it's far from conclusive—ramifications for cancer in the future.

The main problems is that we only have a limited number of studies, and even those studies that we have, for the most part, are not sufficiently well done. We have graded these in a systematic review. The evidence is weak to very weak for the synthesis of those studies.

Moreover, we have no evidence on the long-term effects of ingesting vapours into the lungs for many years on a daily or weekly basis. We just don't know. So that's the science on that.

1550

About cessation aid effectiveness, quickly: The state of the evidence is very weak. We have graded all of the studies that have come out until March 2015 about the effectiveness of e-cigarettes. The scientific community will certainly agree on this: There is non-conclusive evidence about the cessation aid effectiveness of e-cigarettes.

A word about—

The Acting Chair (Mr. John Fraser): Thank you very much, Mr. Schwartz.

Mr. Robert Schwartz: Okay. Thank you.

The Acting Chair (Mr. John Fraser): We'll begin the questioning with the official opposition. Mr. Hillier.

Mr. Randy Hillier: I'm really surprised that so many people from the health professions are saying that there's not enough evidence. In our package today, along with the hundreds and hundreds of anecdotal testimonials to the effectiveness, here's one directly from the experts. I think it has over 60 or 70 studies—peer-reviewed, published research on electronic vapour products. Just how many studies do we need to have to meet your threshold that there would now be conclusive evidence?

Mr. Robert Schwartz: Sir, it has not only to do with the quantity of studies, but also with the quality of the studies. We have assessed the quality of those studies in a systematic, scientific way and come to the conclusion—it's not us only; others who have done these systematic reviews have come to a similar conclusion—that there is currently not the quality of evidence necessary in order to draw conclusions.

Mr. Randy Hillier: I saw one from the Centre for Addiction and Mental Health—over 6,500 people studied over an extended period of time. They came to the conclusion that e-cigarettes were a hundredfold more effective than any other nicotine replacement therapy or cessation tool. That's a pretty substantial study from a very highly regarded group of individuals.

You've mentioned that there is no conclusive evidence either way. There's fairly substantial evidence to demonstrate that there are possibly huge benefits. I'll take you back to that statement by Dr. Britton from the UK Centre for Tobacco and Alcohol Studies: 700,000 people quit smoking as a result of using e-cigarettes, more so in four years than in an entire decade of patches and gums and inhalers and hypnosis and acupuncture and whatever else is being done. Is that not a pretty powerful statement, when the director of the UK Centre for Tobacco and Alcohol Studies testifies to the Canadian House of Commons?

Mr. Robert Schwartz: As I said, the evidence is inconclusive. That single statement by a single researcher about an epidemiological study, not an experimental study, wouldn't be rated highly in the overall assessment of the state of knowledge.

The Acting Chair (Mr. John Fraser): Thank you very much. Your time is up.

Mr. Randy Hillier: Is there any level—

The Acting Chair (Mr. John Fraser): Mr. Hillier, your time is up.

Ms. Fife.

Ms. Catherine Fife: Thank you very much, Mr. Schwartz, for coming in and raising the issue, because you can see where this debate is going. It's going between who can shape their evidence. Your point saying that it's not the quantity of the studies, it's the quality of the research and the evidence—and that it's inconclusive. So I think there's some responsibility for us to demonstrate caution.

I want to go to your points that you made around the flavours of e-cigarettes, because this is something that hasn't really come up. Remembering that bubble gum is not a naturally occurring flavour in our environment, can you speak to the toxicity of some of those flavours? Because they're quite diverse.

Mr. Robert Schwartz: There are hundreds, if not thousands of different flavours being used in e-cigarettes. I don't believe any of them are natural. There have been individual studies that are suggestive of high levels of toxicity in some flavours; cinnamon, for example, is one that comes up. Why? I don't know. Again, single studies—I wouldn't say that those are conclusive.

Ms. Catherine Fife: The other salient point that I took from your presentation is that we really don't have any long-term studies on e-cigarettes because it's a fairly new phenomenon—maybe five years. So that evidence, I think, is needed before we move forward.

The research that was brought forward earlier today by Steve Manske, from the University of Waterloo, is on flavours, though. I think that it's an attractor for e-cigarettes, and for smokers, period, it's also resonating. Are you aware of any current studies that are specifically addressing, in addition to this research, the flavour aspect of e-cigarettes?

Mr. Robert Schwartz: Not yet. We do have a study out of our own that is surveying youth and young adults, and we are asking them about flavours, their use of flavours and why they're choosing which flavours.

I will add that the age of initiation for tobacco cigarettes, regular cigarettes, is under 22. Almost nobody starts smoking regular cigarettes above the age of 22. It's quite likely that a similar finding will arise for e-cigarette use.

Ms. Catherine Fife: One other point: You mentioned that Health Canada does not approve nicotine in e-juice. Right? So if businesses are putting nicotine into e-juice, are they then in a state of non-compliance?

Mr. Robert Schwartz: I'm not a legal expert. That's my understanding, but I wouldn't venture an expert opinion on that.

Ms. Catherine Fife: Thank you very much.

The Chair (Mr. Grant Crack): Thank you. Ms. Kiwala?

Ms. Sophie Kiwala: Thank you very much, Mr. Schwartz. We appreciate your testimony today. I appre-

ciate the scientific aspect of your testimony, particularly that the long-term effects on lungs are just not known yet.

I want to go back to something else that I said previously about this being precautionary legislation which I'm very supportive of. I think that private testimony from private individuals and owners of stores who may have increased their staffing levels from two to 11—there's obviously some stakeholder interest that's financially motivated. I think that as a responsible government we should be concerned overall about our citizens' health. I'm just going to say that.

I'm wondering if you can reiterate for me—I think you may have alluded to it previously—how widespread is the use of flavoured tobacco among Ontario youth?

Mr. Robert Schwartz: Flavoured tobacco is mainly used in cigars or small cigars, cigarillos, and 83% of cigars consumed in Ontario are flavoured. I believe it's 5% of Ontarians aged 12 and over have smoked cigars in the past 30 days.

Ms. Sophie Kiwala: Have flavoured tobacco products been proven to be a gateway to tobacco use and addiction for our youth?

Mr. Robert Schwartz: There are many studies, and the body of evidence would support that statement.

Ms. Sophie Kiwala: Do you consider menthol an adult product?

Mr. Robert Schwartz: Menthol has been demonstrated in many studies to be easier to smoke than non-menthol cigarettes. As such, whether you define it as an adult product or a product that ought not to be out there is arguable.

Ms. Sophie Kiwala: Do you know how many adult smokers started out smoking with menthol cigarettes or other flavoured—

Mr. Robert Schwartz: I don't have a direct answer to that although the data demonstrate that upwards of 30%, and I believe it's closer to 40%, of kids, youngsters who are smoking, are using menthol, and a very tiny proportion of adults who are smoking are using menthol. So we'd have to actually look at a cohort effect to determine that conclusively, but the evidence is quite suggestive that people start with menthol and then go on to regular.

Ms. Sophie Kiwala: There's three out of three right here.

The Chair (Mr. Grant Crack): Thank you very much.

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Ms. Sophie Kiwala: Thank you.

The Chair (Mr. Grant Crack): I appreciate that, Mr. Schwartz, for coming before committee. Have a great afternoon.

Mr. Robert Schwartz: Thank you.

ONTARIO LUNG ASSOCIATION

The Chair (Mr. Grant Crack): Next we have the Ontario Lung Association. I believe we have Mr. Chris Yaccato, provincial manager, government relations and

public affairs. And we also have another, so perhaps you'll—

Mr. Chris Yaccato: I'll be sharing my time.

The Chair (Mr. Grant Crack): Okay. Could you just introduce both of yourselves, please, for the record?

Mr. Chris Yaccato: Yes. Good afternoon, Chair, Clerk and members. Thank you for taking the time to listen to us. My name is Chris Yaccato, manager of public affairs and government relations with the Ontario Lung Association. I'll be sharing most of the time with Tirthesha, a young volunteer with the OLA who I feel can better advocate to show our support for Bill 45.

I'm going to hand it over to Tirthesha.

The Chair (Mr. Grant Crack): Welcome.

Ms. Tirthesha Pandya: Good afternoon, Chair, Clerk and committee members. My name is Tirthesha Pandya, and I am a high school student and an Ontario Lung Association volunteer. I have been involved in organized tobacco control for over three years, but I have been a tobacco-free advocate since birth.

My uncle was 16 when he got hooked on menthol chewing tobacco, and he has been addicted to it ever since. I have tried to help him quit and have seen how difficult and painful those many attempts have been. I'm 16 now, and I know that I don't want to be targeted by the tobacco industry like he was.

Nearly everyone who becomes addicted to tobacco starts as a teenager, and they think they can quit at any time. It's only when they try to quit that they realize how hard it really is. Resources are available to people who are trying to quit, but it would be so much better if we supported people in not using tobacco in the first place. Protecting young Ontarians from the influence of tobacco marketing is a great place to start.

As the weather gets warmer, my friends and I will be eating a lot of frozen yogurt. If you've ever been to a frozen yogurt shop, you've probably seen and been amazed by the endless variety of flavours: cherry, vanilla, chocolate, mint, cinnamon—sounds delicious, doesn't it? Unfortunately, these flavours aren't only found in frozen yogurt. These flavours are also placed in tobacco products designed to tempt young people and get them addicted.

Research shows that more than half of Canadian youth who use tobacco are using flavoured products. These can include flavoured cigars and cigarillos, chewing tobacco, and flavoured tobacco in water pipes and shisha. This research also found that almost one in three youth cigarette smokers used menthol cigarettes in the previous 30 days.

Many young people are attracted to flavoured tobacco because it seems less harmful, and it tastes and looks like candy. The tobacco industry deliberately packages and markets these products to teenagers like me, and it has to stop. This is why I support Bill 45. By prohibiting flavours in tobacco products, you will be protecting young people like me from the temptation of trying and becoming addicted to this deadly product.

Bill 45 also regulates the sale and use of electronic cigarettes, including a ban on the sale and supply to

anyone under 19. This is so important, because we don't know the long-term health impacts of using e-cigs. Many young people assume they're safer than regular cigarettes because of the way they are promoted and marketed, and again, because they come in these youth-friendly flavours.

In 2013, approximately 15% of Ontario youth in grades 9 to 12 used e-cigarettes, and nearly 5% of those used e-cigarettes containing nicotine. The reality is that e-cigarettes are still getting a generation hooked on nicotine, leading them down the path to tobacco use, addiction, and the terrible health impacts that will almost inevitably follow.

The Ontario Lung Association and I fully support Bill 45. That being said, we have one very important suggestion, and that is to ban menthol at the same time as other flavours. Our worry is that if you give the tobacco industry an inch, they will take a mile.

The Chair (Mr. Grant Crack): Thank you very much. I appreciate that. We will begin with the third party. Ms. Fife?

Ms. Catherine Fife: Thank you very much for your presentation. Thanks also for participating in the plan with Ms. Gélinas. I think it's very empowering to hear the voices of youth weigh in on this issue.

The legislation, as it's crafted right now, gives a two-year window to continue menthol cigarettes in the province. Would you like to comment on that?

Ms. Tirthesha Pandya: Yes. We know that the tobacco industry will take advantage of any leniency or time that they are given and figure out a way to victimize even more youth. Nova Scotia is on its way to a full ban on menthol. If they can do it, I think we can, too.

Ms. Catherine Fife: Okay. I know you had that statement in your notes, but why would the government leave that window open, do you think?

Ms. Tirthesha Pandya: I think it's more for the adults. If we do ban menthol, the adults may have a problem. It would be really hard for them. Knowing that my uncle, personally, does do menthol and chew tobacco, it would be really hard if there was a ban on menthol. But that would also motivate him, at the same time, to figure out another way to get around by not using menthol chewing tobacco anymore.

Ms. Catherine Fife: So your uncle is chewing tobacco?

Ms. Tirthesha Pandya: Yes.

Ms. Catherine Fife: Menthol chewing tobacco. I know my son, who is 16, has told me that chewing tobacco is making a comeback, which is just disgusting. I mean, flavoured chewing tobacco: It's awful.

I just want to thank you very much for coming in, and the association, because you're absolutely right: Young people have to stand up for themselves and their voices need to be reflected in this legislation. Thanks.

Ms. Tirthesha Pandya: Thank you so much.

The Chair (Mr. Grant Crack): Thank you very much. Ms. Hoggarth.

Ms. Ann Hoggarth: Thank you for your presentation. You're an amazing young woman.

I'd like to just ask Chris, can you give us some clarification about what was being said about the Nova Scotia Lung Association? Could you clear that up for us, please?

Mr. Chris Yaccato: Yes. I think there's some miscommunication there. The way the Lung Associations across Canada work is we have a central Canadian Lung Association followed by provincial associations. The Nova Scotia Lung Association took the step of reaching out to the public, listening and seeking input back: Are e-cigarettes safe? Are they bad? Can they help you get off smoking? Do they not? It's that kind of combination of thinking that I think is where the line of questioning was coming from, from MPP Hillier.

I have to send the committee a little more information on that, simply because there is no broad position statement. So I wasn't sure where that quote came from. Make no mistake: All the Lung Associations across the country are united in their belief that regulation and the approach that the province of Ontario and other jurisdictions are taking is adequate.

Ms. Ann Hoggarth: Better to be safe than sorry.

Mr. Chris Yaccato: Better safe than sorry.

Ms. Ann Hoggarth: I just wanted to ask you, Ms. Pandya—is that how you pronounce it?

Ms. Tirthesha Pandya: Yes.

Ms. Ann Hoggarth: Thank you. I'd like to thank you for being with us here today. Why is it that you've become such a huge advocate for lung health?

Ms. Tirthesha Pandya: I came from India. I was an immigrant. Back in India, it was pretty normal for people to be chewing tobacco and using tobacco products, but when I came here and I learned more about the health impacts and the negative impacts of tobacco in general, I knew that I did not want my family or anyone who I cared about to be affected.

I knew at that point that I needed to step up and inform myself about the negative impacts so I could inform my family, my peers and other members who are affected by this. Some of them don't even know. They don't even have an idea of how bad this product is for them.

Ms. Ann Hoggarth: I just wanted to ask, is flavoured tobacco being marketed to young people, and if so, how do you see that happening?

Ms. Tirthesha Pandya: Personally, some of my friends do use flavoured tobacco products. I've talked to some of them and they have said that it's the same thing as, as I said, frozen yogurt. When you go and you see these amazing flavours right in front of you, you get curious to try them. You try them once and then you're like, "Whoa, that tastes like candy. That was really good." You try it again. At one point, you think you can just stop, but the truth is you do get addicted, and you can't really do anything about it as a young person, so you just keep doing it.

Ms. Ann Hoggarth: Do your friends know there's nicotine in the e-cigarettes?

Ms. Tirthesha Pandya: Some of them don't because they don't really ask. They think they're doing it one time and then they're going to be done with it. That's why I said I wanted to be informed about it: so I could inform them and let them know that there are negative impacts.

The Chair (Mr. Grant Crack): Thank you very much. We appreciate that. Mr. Walker.

Mr. Bill Walker: Welcome to both of you. It was a great presentation. I'm again a little bit conflicted because of the Lung Association of Nova Scotia, Chris. The report, which I believe has been provided to all of us, is the Flavoured Products Consultation Report. They're suggesting in here that "E-cigarettes do not contain tobacco, there is a lack of evidence about them, no harm proven, there may be a potential benefit, and they are recognized for harm reduction." The recommendation says, "The Lung Association of Nova Scotia recommended that the issue of tobacco smoking and e-cigarette use be considered independently. To combine two fundamentally different products will skew the discussion and likely make intended outcomes more difficult to realize."

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I'm struggling, to be honest, because I have a large cohort of people in my riding—and across the province, with all of the anecdotal stuff we've received—who are saying, "This is a good thing. I stopped smoking."

You may not have been here earlier. I have four siblings who all smoked. Thank goodness they've all stopped. Sadly, one of them died; another has cancer. So anything, to me, that helps stop—and they tried nicotine. They tried the patch. They tried everything. They tried cold turkey. These things helped them. So I'm not prepared to just say an absolute, "Let's not go there."

I want to have a little bit of evidence that's conclusive that says a youth smoking an e-cigarette actually turns to proper tobacco. There's lots of anecdotal—don't get me wrong—but a lot of people do that with alcohol. There's flavoured alcohol. It's known that it's harmful to our health. We have to be consistent in what we're doing.

One of the members of the government today said a number of other things about banning. Cellphones are supposed to be potentially harmful to our health, but we all have them beside our ears.

What I'm trying to figure out is a balanced way to look at this and say, "What is the upside to doing this?" Yes, there are some conclusive studies. There's one here, and it is from Professor Igor Burstyn—I hope I've said it right—at the Drexel University School of Public Health. It confirms that chemicals in electronic cigarettes pose no health concern for users or bystanders. "By reviewing over 9,000 observations about the chemistry of the vapor and the liquid in e-cigarettes, Dr. Burstyn was able to determine that the levels of contaminants e-cigarette users are exposed to are insignificant, far below levels that would pose any health risk.... Proposals to ban e-cigarettes in places where smoking is banned have been based on concern there is a potential risk." I want absolutely conclusive.

Yes, we can go on the precautionary principle. We could do that in a lot of things. I said, when I first stood up in the House, this is one piece of it that I think needs more time, needs more deliberation, needs conclusive—and when I see one of your colleague's associations saying, "We've polled this back," it gives me more pause.

I'm the first guy to say we want to protect the public. We all come here with the inherent interest in protecting the public. But I also don't want to throw out the baby with the bathwater.

Mr. Chris Yaccato: No, no, no. If I can address that, I'm not familiar with that report, but I think you've captured the essence of the bill. You're right: We absolutely need a balanced approach, so by regulating the industry now and dealing with it as we learn the studies and Mr. Schwartz does the research, we can come out and look at it if need be. But the approach taken now in banning it in cars and with youth or those under 19, I think, is a reasonable approach that is a good step to dealing with even your types of suggestions.

The Chair (Mr. Grant Crack): Thank you very much—

Mr. Bill Walker: Yes, and I think if we took them clause by clause—

The Chair (Mr. Grant Crack): Thank you very much, and thank you for respecting the Chair, Mr. Walker. I appreciate that.

Mr. Bill Walker: Always.

The Chair (Mr. Grant Crack): Thank you for coming. We really appreciate that.

ONTARIO RESTAURANT HOTEL AND MOTEL ASSOCIATION

The Chair (Mr. Grant Crack): Next on the agenda, we have the Ontario Restaurant Hotel and Motel Association. My list had included four, but perhaps if you could just take some time and introduce yourselves prior to commencing, that would be wonderful. Welcome.

Ms. Leslie Smejkal: Good afternoon. My name is Leslie Smejkal. I am vice-president of government relations with the Ontario Restaurant Hotel and Motel Association. We are Canada's largest provincial hospitality association, representing well over 11,000 members. With me today is our president and CEO, Tony Elenis, from ORHMA as well.

Today, I will be speaking to you about the nutritional labelling legislation within Bill 45. It does not surprise us that the provincial government is proceeding with legislation requiring how and which restaurants provide calories to menu items to be posted on their menu boards and menus. Such legislation is not new in North America. Many other jurisdictions have it.

We know the restaurant industry has already shown leadership. Many already have nutritional information available at their restaurants on tray liners, posters, pamphlets, QR codes or nutritional information apps. Many also have nutritional information available on their

websites so their guests can plan ahead before dining out or ordering.

Many believe it is in response to political pressure that restaurants are offering nutrition information. However, we do know our consumers are seeking nutritional information, and many restaurants have already stepped up to do this for decades.

As we know, municipalities, led by the city of Toronto, were preparing to regulate menu labelling. This would have led to a patchwork of policy models all over Ontario. It would have had dire consequences for our industry, and we are pleased to see that the provincial legislation supersedes any municipal bylaws.

We are also supportive of the government's requirement to post calories only on applicable standard food items. If one was required to post other nutritional values, such as sodium, it would be cumbersome and challenging to read and post on the menu board.

Our members implicated by the creation of this menu labelling legislation ask for a longer implementation period to ensure compliance. The restaurant industry, since the recession of 2008-09, has changed. It's not about revenue growth anymore; it's about pressures on the expense line impacting the razor-thin business bottom lines, currently running at an average of 3.5% pre-tax profit. Full-service restaurants are operating at about 2.5%, pre-tax. Today, our restaurants in Ontario have the lowest profit margin in all of Canada, and they will have to pay for nutritional labelling, not the government.

This is another cost for thousands of franchisees and corporate restaurants. We ask that you take this into consideration and revise the legislation to include a longer implementation period of 18 months. This will allow franchisees to build these costs into their business plans gradually as this legislation directly impacts their business bottom line—another ongoing cost, just like labour, hydro and food.

It is our understanding, having consultations with the Ministry of Health, that there will be a requirement for posting of calories on beverage alcohol. We ask that the government not require the posting of calories for beverage alcohol on restaurant menus. We ask this because the purpose of menu labelling was to address childhood obesity, and we all know it's illegal and inappropriate for children to drink alcohol.

The requirement to post alcoholic beverages is unfair. The LCBO is a publicly owned asset that continues to provide our hospitality sector with alcohol and they are not required to post calories, but the private restaurant operator will be legally obligated to do so. We feel this is unfair. If the LCBO is exempt, our restaurants should be as well.

The Beer Store is not included in this legislation either. They are not required to post calories on their menu board, but restaurant operators will be. Again, this is an unfair disadvantage for our industry.

We ask that the government contribute to an education campaign to ensure awareness and to ensure public health inspectors are fully trained on the legislative

requirements and do not get bogged down on the font size of calories.

ORHMA and our membership will continue to work with the government on the legislation regulations to mitigate more red tape and costs to our industry.

I appreciate your time. I'll take questions now. Thank you.

The Chair (Mr. Grant Crack): Thank you very much—about a minute to go. We shall start with Mr. Walker from the opposition.

Mr. Bill Walker: Thank you very much for your presentation. A key component of this—and again, I spoke to it in the House. I'm a rec guy from way back, "rec" being recreation. I was wondering why the government didn't include some of this about obesity and the ability to actually lead a fitter life, which actually has a lot more impact on some of the other things that I think have been put in the bill.

I want to ask a point of clarification. You referenced the longer time to be able to adhere to this and to make plans, which makes sense. Most of us, I think, would not be able to adjust overnight. Did you receive any consultation as a stakeholder prior to this bill being introduced, from an industry perspective?

Ms. Leslie Smejkal: The ministry did have consultations and a round table discussion prior to the election on particular pieces of this bill and forming the legislation. The compliance was discussed as far as 12 months versus 18 months, and our industry had asked for 18 months, and we continue to advocate for that. A lot of it is based on business plans, year over year. Corporations need the time and the ability to adjust their costs—because the costs will be downloaded onto franchisees for the cost of posting, changing menus or changing the digital menu boards.

Mr. Bill Walker: Sure. I certainly share your concern that without a public education campaign and awareness so people actually understand what the numbers or data that they're being provided with say—the other side is a good thing, and I believe that if you had that, that would be more palatable.

The other side of this is actually about the enforcement and policing. I have a real concern, from your industry perspective that has been brought to my attention—you are trying to be co-operative, you are trying to work with them, but someone can walk into one of your establishments and say, "You're not up to date. That changed three days ago and you haven't got the labelling." This goes to a broad thing about labelling that I hear a fair bit about across all of our industries. It's that compliance and that enforcement.

We don't want people running around like they do with regard to the new College of Trades, where they're actually going out and trying to find the good, abiding citizens of our province, who are trying to create jobs and keep people working, and fining them, leaving the people who are running the under-the-cover shops going. So I really have a concern with that.

The fairness and the red tape is absolutely—I mean, we talk every day about the amount of red tape, particularly as business owners. I hear every day in my constituency, as I'm sure all of my colleagues here do, "The amount of regulation that we have to adhere to with regard to filing forms leaves me very little time to talk to my customer and the person who actually pays the freight here."

I'm concerned at times with some of this legislation. I'm glad to hear that there was at least some consultation; I don't always hear that. I think I also heard you say, though, that some aspects were discussed. I'm not certain if all of those made it into the bill, or if some of the things you were asking for didn't make it. So I'd like to provide you with an opportunity, if there's any other specific ones to provide back, and I'll open it up to my two colleagues.

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Ms. Leslie Smejkal: Can I address that?

Mr. Bill Walker: Yes.

The Chair (Mr. Grant Crack): You have 15 seconds.

Ms. Leslie Smejkal: As far as the regulations, they'll have to be prescriptive, absolutely. I mean, it took over three years in the United States to get this right with the regulations to be compiled.

I think, for our sector, we were not consulted on the regulations, we were consulted on the legislation. We did get involved, asking for regulation opportunities, and we have not been privy to those at this time. If they're being drafted, we would want them to be prescriptive to address all the issues you've just raised.

The biggest aspect for many of our corporate members, as well, is to have the data and the recipes in every restaurant. Wouldn't it be easier just to go to the corporate head office and have a one-stop shop—they compile the data and make sure they're in compliance for their standard products—as opposed to allowing the franchisee to have to have binders in their back office?

The Chair (Mr. Grant Crack): Thank you very much. We'll have to move over to Ms. Fife.

Mr. Tony Elenis: Just back to, in the way of customer service—it also inhibits and curtails innovation. The chef of today is an artist—he likes to paint—and that would limit culinary investment.

Ms. Catherine Fife: Thank you very much for the presentation, Leslie and Tony. I guess the risk is, if we don't get it right, then things don't change. So you're making the case for additional time to roll this out.

I do want to say, I think the Ontario restaurant association and your respective hotels are already adapting to the needs of consumers, so you've already been changing.

If there was one thing in this legislation which you could actually change right now, to make sure that we get it right—that the government gets right—what would it be?

Mr. Tony Elenis: Not to include alcohol, as Leslie mentioned.

Ms. Catherine Fife: Not to include alcohol?

Mr. Tony Elenis: Alcoholic beverages. When you look at wines, a bottle of Amarone has 14.5% alcohol, Chianti has 13%. The higher you go, the higher the sugar. There are hot summers that influence that. It can get really complicated with something that should be a culinary experience. Many drinks have flavours and ingredients that vary, and again that can get complicated.

Ms. Catherine Fife: And Leslie?

Ms. Leslie Smejkal: If I can just add, we purchase our alcohol and our beverages from either the LCBO or the Beer Store. If they're not obligated to post calories on their bottles, how are our restaurant owners supposed to go to the backroom and figure out the range of calories. Wines age, as they sit in a cellar; the content changes, the sugar changes—everything about it. So the range could be anywhere from a thousand to wherever. So how is that actually being honest with the consumer?

For us, the bigger issue is, we can't actually supply that. We're looking to the distributor, who would also be obligated to post this. But my understanding in the conversations is that the LCBO is working with the ministry on this.

Mr. Tony Elenis: I would also advise that there might be trade implications, as we recently found with the recent announcement, from where alcoholic beverages are rooted, coming into this country.

Ms. Catherine Fife: Sure. That's a good point. Thank you very much for your presentation.

The Chair (Mr. Grant Crack): We shall move to the government side. Ms. Kiwala?

Ms. Sophie Kiwala: Thank you so much for your presentation. It's nice to see you both here.

I just wanted to highlight a couple of points. Bill 45 will help parents make healthier choices for their children. One of the primary concerns of this schedule of the bill is about obesity in children, and calories are the most appropriate information, with respect to obesity, on menus.

You said that you did have some consultations prior to the legislation. Can I ask you, were those consultations part of the government's Healthy Kids Strategy?

Ms. Leslie Smejkal: It was a result of the Healthy Kids Strategy. They had set up two days of consultation to talk about the content of the panel and putting together nutritional labelling—menu labelling—legislation.

Ms. Sophie Kiwala: Do you agree that it's important to empower parents with that nutritional information as transparently as possible so that parents can make better choices for their children?

Ms. Leslie Smejkal: As a mother with young children, I think, at the end of the day, I have a common-sense factor of what is good and what is bad. Will it matter if I see calorie ranges? I don't think it will for me particularly because I work in the hospitality industry and I have a good understanding of what is in our food.

Transparency: You're only getting part of the story when you talk about calories and looking at a menu board. Many of our brand members have nutritional information in a pamphlet and others in QR codes, or

they have it on the website. You get the full story there. You get all the nutritional values there. To me, having that as a layer is the bonus in all of this.

Mr. Tony Elenis: If I can add something to that: The concern is also that foodservice only makes up 25% to 30% at the most of food consumed. Most of it is eaten at home and outside of restaurants—

Ms. Sophie Kiwala: Actually, there's an increasing rate of Canadians who are eating out now—

Mr. Tony Elenis: And we realize that.

Ms. Sophie Kiwala: —and Canadians, as you know, are increasingly busy—

Mr. Tony Elenis: We realize that, but it's still a large share outside.

Ms. Sophie Kiwala: You've mentioned a couple of times that the information is sometimes available on websites. But if you're out in a restaurant, I'm not sure how inclined people would be to look up how many calories you would have on a website.

I'm wondering if you can tell me, do you feel it's appropriate that Bill 45 would not require a single location mom-and-pop type restaurants to list calories on their menus? Are you pleased to see that it's for restaurants that have 20 or more locations?

Mr. Tony Elenis: We're very pleased with that. It becomes a burden—and a lot of inaccuracies when you're dealing with a smaller business.

The Chair (Mr. Grant Crack): Okay. Thank you very much. We appreciate you coming before the committee this afternoon.

RESTAURANTS CANADA

The Chair (Mr. Grant Crack): Next, we have Restaurants Canada. I believe Mr. Rilett and Ms. Reynolds are here with us this afternoon. Welcome. You have five minutes for your presentation.

Mr. Jamie Rilett: Excellent. Thank you. My name is Jamie Rilett. I'm vice-president, Ontario, with Restaurants Canada. With me is Joyce Reynolds, executive vice-president for government affairs. Thank you for the opportunity to speak about the calorie-posting part of the bill.

First, we recognize that obesity is a serious and complicated issue requiring multi-faceted solutions. Our members have taken action to support the goals of improving diets and reducing obesity by reformulating their menus and offering more healthy options, making changes to portion sizes and investing in sports and activity-based sponsorships to help hundreds of thousands of Canadians live actively. Chain restaurants also work hard to put meaningful information into the hands of their consumers so they can make informed choices, and most provide nutritional information in a variety of ways.

Our members are responding to the information needs of their customers, which include nutrient values beyond calories, including carbohydrates, saturated fats, trans fats, fibre, protein and sodium. It had been our hope that

Ontario would be part of the Informed Dining program developed by the province of British Columbia, which would provide nutrition information to restaurant patrons across Canada in a consistent way using a common symbol method.

Now that the government has chosen to follow the lead of the US instead, using a calorie-posting system, we are prepared to work with the government on a smooth implementation.

One of the biggest concerns with calorie posting on menus and menu boards is the inevitable call for the expansion of nutrient values. Our industry has been faced with policy proposals to post allergens, GMOs, trans fat, carbohydrates, sodium and gluten. Now we're hearing about sugar, both natural and added. To confirm our concerns, you are already being asked to double the scope of the program before the legislation has even passed.

When more than one value is added to the menu, it becomes much more complex to communicate information to customers in a meaningful way. Consumers are forced to make quick judgments based on conflicting values. Ministry of Health officials cite studies that state that consumer response is reduced when more values are added.

Sodium values are particularly challenging, given consumer confusion and lack of scientific consensus on maximum and minimum limits.

Restaurants offer menu choices in multiple varieties, flavours and options for customization. Canadians like to customize the toppings on their pizza, the make-up of their sub and the condiments and fixings on their hamburgers. Restaurants typically offer multiple flavours and sizes of drinks, baked goods and sides that aren't individually listed on a menu or a menu board. There is a myriad of options when ordering coffee.

Every circumstance needs to be properly addressed for clarity, and with each additional value, these complications rise exponentially. Don't get fooled by those who say that calorie posting is not complex. The US FDA took five years to develop their regulations with the assistance of a massive stakeholder engagement.

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Everyone wants to get this right. It is in no one's interest for this experiment to fail. That is why it is important to get the program in place, work out the kinks and evaluate its success before considering expansion.

Our second request of this committee is to require the Ministry of Health to implement a pre-approval process to ensure uniform application of the law. Chains operate across the province, and enforcement will be outsourced to municipalities. That is why we support the section of the legislation that guarantees the legislation will supersede municipal authority. The higher penalties cited in the legislation make it incumbent on the government to leave no room for varied interpretation.

The menu creation process is long and expensive. Design alone can take four to six months, and menus often stay in rotation for a year or more. The government must have a process whereby companies can get pre-

approval early in the process to avoid costly delays and multiple interpretations.

Finally, I would urge you to insert a clause guaranteeing an implementation period of 18 to 24 months after royal assent. Restaurants cannot begin their development and testing processes until the regulations are complete. With all chains looking at the same resource pools for testing and design services, the implementation period needs to be long enough to get the program right.

In conclusion, we urge you to take the time to get it right. This means limiting the scope to calorie posting, ensuring there is a pre-approval process for menus and menu boards, and an implementation period of 18 to 24 months. Thank you.

The Chair (Mr. Grant Crack): Thank you very much. We'll start with the third party. Ms. Fife.

Ms. Catherine Fife: Thank you very much. I appreciate, actually, the format in which you brought your asks to us. I appreciate the ask for more time so that we actually do it right the first time.

The approval process I find interesting. You cite here that the government has decided to outsource the enforcement to municipalities; you cite some concerns about that. Then you also say, "Without an approval process ... inspectors hold an unreasonable amount of interpretive power." Can you expand on that a little bit?

Mr. Jamie Rilett: I guess what we're looking at—and anybody who has a rural riding will remember a few years ago when the interpretation of public health rules led to inspectors going out to church basements and dumping bleach on sandwiches and stopping pie contests etc. We don't want to run into something like that. All we're asking for is if they want to have the enforcement go to the public health boards, at least give them some guidance so that if we get something approved centrally, then we can't have a board somewhere else overrule that.

Ms. Joyce Reynolds: And if I could add to that: One of our big concerns is the massive expenditure that there will be initially to design the menu boards and design the menus. And then once the menus are printed, circulated and distributed, if somebody says, "Well, actually, the range value is wrong. You should have done the range from this to this," to have to go and reprint all those menus and recirculate them—so it makes sense that you'd have a Ministry of Health official look at these beforehand and approve them.

Ms. Catherine Fife: Yes, I think that's a very good suggestion. I'm interested in this because when the government brought in their changes to school boards—their green, yellow and red light on certain foods—there were churches that were baking muffins for hungry kids who didn't have a breakfast program, and there were apparently a couple of extra grams of fat in those muffins, so those kids didn't get the muffins. I would argue that some food is better than no food. So I appreciate this sort of pre-emptive move with regard to this.

But the research on sodium is pretty strong right now. I just want to give you an opportunity to weigh in, because we really feel that sodium is a huge issue in

food, and it has detrimental effects to health. Yet you sort of counter some of that research in your thoughts here. Do you want to speak to that, please?

Ms. Joyce Reynolds: Well, there is a recent McMaster University study that questions the limits. There are actually several studies that question the current sodium limits, but that's really not the issue. Our concern is really the complexity and the confusion, the legibility and how meaningful the information can be if you include too many values on both a menu and menu board. Already, because of the format of a menu board, where you only have one line, the price, for, let's say, muffins, they have a range of calories. But then if you bring sodium into the mix, then you're going to have an entirely different range. It's very difficult to interpret data when you try to—and we have experience from the US to show how confusing and how little the information is used.

Ms. Catherine Fife: I think the key piece is the education, right? Because otherwise, they don't know what they're buying.

The Chair (Mr. Grant Crack): Thank you very much. I apologize. It's a little over time as well.

We'll go to the government. Ms. Hoggarth.

Ms. Ann Hoggarth: Thank you very much for your presentation here today. I am a patron of many of the restaurants all around Ontario. I eat out way too much. The amount of sodium that is in products does concern me, more as an educator who sees more and more young children eating in restaurants.

Also, I just want to know: Do you agree that it's important to empower parents with nutritional information as transparently as possible, so far as they can make better choices for their kids due to the fact that we have this rising amount of obesity in children?

Mr. Jamie Rilett: First of all, I don't blame you. Barrie has some great restaurants, so you're lucky.

Ms. Ann Hoggarth: Sorry?

Mr. Jamie Rilett: Barrie has some great restaurants, so you're lucky in that.

Ms. Ann Hoggarth: I know. We have wonderful ones. Thank you.

Mr. Jamie Rilett: Quickly on the education: Yes, we do find that education is important. That's a part needed to get parents to make the right decisions. But that information has always been there. I have three children. If my daughter has a basketball tournament and she's been practising all week and I want to treat her to a meal out, I know what's good and what's not. I don't need to see the calories right above. But if the decision has been made to go down that road, I think the problem with adding a second value is that it makes parents have to make the decision, "Do I have a higher sodium thing with lower calories, or do I have lower calories with the higher sodium?" I think just working with restaurants to help them rejig their menus and getting people to ask for the lower sodium items will go a long way.

Often a lot of products are brought forward in restaurants that simply don't sell because they're not popular with the customers. An education program helps

as well, but I think most parents know what's good and what's not. If this provides them with a little extra information, that would be great, but we really need to get it right first before we think about expanding it.

Ms. Ann Hoggarth: When I was in the States, for years I had been going to the Olive Garden and picking something; then all of a sudden they had the nutritional value and the calories on it, and I realized I had better pick something different because it was about three times more than my second choice with regard to calories.

Is it important that we have a consistent approach on menu labelling across Ontario? No matter what it is, it needs to be consistent?

Ms. Joyce Reynolds: Absolutely.

Mr. Jamie Rilett: Yes. I think we should have it across the country as well.

Ms. Ann Hoggarth: Thank you.

The Chair (Mr. Grant Crack): Ms. Thompson.

Ms. Lisa M. Thompson: How do I say this? The government of the day has a habit of picking winners and losers. I'm wondering if you feel that this particular Bill 45 is doing just that. They're burdening you with more red tape in terms of calorie counts. Are there other sectors of food providers or meal providers that we're missing? How should we be addressing that? My husband probably went to the grocery store today and bought us lunch from the deli counter. Those calories won't be included. So I'd be interested to know your perspective on that.

Mr. Jamie Rilett: When we first started talking about this in the previous iteration of this bill, we did ask that all prepared foods be treated equally, and I believe that's the government's intention. A lot of this is in regulations, so we won't know exactly, but the intention, we were told, is that prepared foods in grocery stores and things like movie theatres etc. will be included. I don't want to guess what the government's intention is vis-à-vis winners and losers, but I do take them at their word that they will include everyone who does prepare food in this legislation.

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Ms. Lisa M. Thompson: What does your gut tell you? Is this going to change habit?

Mr. Jamie Rilett: We haven't seen any indication in studies that this does change habits. You see, the studies that show that it does are performed in a closed setting or with people who say, "What is your intention?" But all the studies we've seen where they've actually implemented it in an area—the most well-known is the New Jersey study—showed that it didn't affect behaviour whatsoever. Anecdotally, it actually showed, on certain teenagers especially, that they saw calories as a value. So if I have \$5 to spend and I could get the combo that has 1,000 calories or the combo that has 1,500, it's more value for my money to get the 1,500 one.

Ms. Lisa M. Thompson: So in actual fact it had the converse result?

Mr. Jamie Rilett: That second part was anecdotal, so we don't know. But for sure the study did say that there was no effect on ordering patterns.

Ms. Lisa M. Thompson: How much is it going to cost a franchise, per se, to change their menus over? You're already being burdened with ORPP, lots of red tape, electricity costs etc. How much is this going to cost businesses?

Ms. Joyce Reynolds: It's going to cost them thousands of dollars. We don't know. We have to see what the regulations say.

I did want to just touch on another question, though, in terms of who it applies to and the limit of 20. One of the things that our members have said where they feel that there's still some unfairness is, you have new brands coming in from the US. They may only have a couple of stores here in Canada initially, but they're a very big brand in the US. So those in Canada feel that some of these chains may have an unfair advantage if they're not required to do it if they're a well-known brand in the US.

Ms. Lisa M. Thompson: Thank you.

The Chair (Mr. Grant Crack): Thank you very much. We appreciate the two of you coming before the committee.

NATIONAL COALITION AGAINST CONTRABAND TOBACCO

The Chair (Mr. Grant Crack): Next, we have the National Coalition Against Contraband Tobacco, Mr. Gary Grant, who is the national spokesman—glorious last name. Welcome, sir. You have five minutes.

Mr. Gary Grant: Thank you.

The Chair (Mr. Grant Crack): You're welcome.

Mr. Gary Grant: I am the spokesperson with the National Coalition Against Contraband Tobacco and a 39-and-a-half-year retired veteran of the Toronto Police Service.

Our coalition is made up of 17 organizations from across Canada representing industry associations, business groups and law enforcement. The NCACT is a non-profit, non-partisan organization whose goal is to make the public and the government more aware of the problem of illegal cigarettes and contraband tobacco.

Ontario has the worst contraband tobacco problem in Canada, with one in three cigarettes purchased over the past year being illegal—that's bad for all Ontarians. Illegal cigarettes are a cash cow for organized crime with criminals using the proceeds to fund other illegal activities, including guns, drugs and even human smuggling. The RCMP have identified more than \$100 million in suspicious transactions from one contraband hot spot alone.

What is contraband? As we know, it's unregulated and it is extremely cheap. A baggie of 200 illegal cigarettes sells for as little as \$8—less than the price of a movie ticket. Also of serious concern, the criminals that sell them certainly don't ask for identification from our young people. It is no wonder that contraband tobacco has a direct impact on youth smoking. In fact, the Centre for Addiction and Mental Health has flagged contraband's easy availability as a prime reason for Ontario's stubbornly high youth smoking rate.

One of the functions of the NCACT is making sure that the public understands the impact of illegal cigarettes, something that many Ontarians may incorrectly view as a victimless crime. The fact is illegal cigarettes fund some of Canada's least desirable elements. The RCMP estimates that contraband tobacco is the cash cow of more than 175 criminal gangs who use the proceeds to finance their other activities, as I mentioned.

The Ontario government has identified this as a problem. This past November, the Minister of Finance announced the need to take more action against contraband tobacco, but failed to actually introduce new measures to address the problem. Just one week following Minister Sousa's statement on the need to combat the province's illegal tobacco trade, Bill 45, the Making Healthier Choices Act, was introduced, which places a ban on flavoured tobacco, including menthol.

The NCACT has many times seen that when a tobacco product is banned, demand for an illegal substitute spikes. Last year, a report on the RCMP's Federal Tobacco Control Strategy noted that illicit manufacturers are producing flavoured little cigars to meet the growing demand on the black market, particularly following the federal ban on these products.

It is no different with menthol cigarettes, where there are already twice as many illegal menthol products available as legal ones. This legislation will effectively hand 5% of the province's legal cigarette market to organized crime. To put it in clearer terms: That's more than 300 million cigarettes each and every year, representing more than \$130 million in lost tax revenues.

Without first addressing Ontario's rampant contraband tobacco problem by introducing real measures to address contraband tobacco, Ontario, through Bill 45, is effectively handing organized crime groups more of Ontario's contraband tobacco market.

The contraband tobacco problem is out of control in Ontario. The federal government has started to take more tough action through Bill C-10, which allows police to lay criminal charges against contraband smugglers. Ontario, however, is falling behind and has consistently failed to introduce new measures to address this problem.

Ontario has made commitments in the last three provincial budgets to implement new anti-contraband tobacco measures, and seeing as we are just days away from the budget we hope to see measures included that have demonstrated success in other jurisdictions like Quebec. These include tougher fines and additional powers for local, municipal and provincial police to lead anti-contraband investigations, as well as a greater licensing of cigarette manufacturing materials.

The successful introduction of measures like this must come before drastic changes are made to the legal market. Without doing so, Bill 45 will be a boon to the criminals that smuggle illegal cigarettes with little change in the availability of a flavoured tobacco product.

So we come here with the recommendation to exempt menthol from the flavoured tobacco ban until such a time as meaningful progress has been made on contraband

tobacco. If the illegal tobacco problem in Ontario continues to be as significant as it is currently, this menthol ban will absolutely create a larger contraband market and drive consumers to the underground economy. The government should commit to implementing a review of the potential ban in two years rather than automatic implementation.

Thank you for your time. I'm happy to answer any questions.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Grant. We'll move to Mr. Colle from the government side.

Mr. Mike Colle: Welcome, Mr. Grant. Welcome back.

Mr. Gary Grant: Hello, Mr. Colle.

Mr. Mike Colle: How are you doing?

Mr. Gary Grant: I'm great, thanks.

Mr. Mike Colle: New chief today.

Mr. Gary Grant: We do. Great man.

Mr. Mike Colle: Yes. Worked his way up from the bottom.

In terms of the contraband, you mentioned that Ontario should take extra steps. What specifically should we be doing to try and combat it?

Mr. Gary Grant: I would suggest taking a look at best practices, and right now I suggest that Quebec has the best practice. They have authorized their provincial and municipal police officers to conduct whole contraband investigations, whereas in Ontario it's been that if a municipal police officer seizes a large amount of contraband, they normally have to turn it over to the RCMP or Ontario revenue for investigation, and this doesn't really motivate police officers to get involved. If the provincial and municipal police officers had full authority to take the investigation from arrest, seizure, all the way through the courts to a conviction or not, that would be an impetus.

Also in Quebec there is a fund put aside—I can't remember the name of it right now—that much like our RIDE program here in Ontario that's proven successful, any fines that come in on the contraband tobacco, say from Stratford, for instance, that money would go back to Stratford, to the provincial force or to the municipal service that the fines were from. And they reintroduced that to fund more tobacco enforcement.

Mr. Mike Colle: So basically the proceeds from crime would stay with the force that undertook the investigation, right?

Mr. Gary Grant: For sure the fine money. I can't speak for certain about what they're doing with the proceeds, but I would assume it would be—it would certainly be a great step.

Mr. Mike Colle: So these people, criminal gangs that are involved in this very lucrative business, where are they getting their tobacco from?

Mr. Gary Grant: Most of the tobacco is coming from First Nations, quite a bit of it is smuggled in from the United States. While I was in Windsor last week there was a huge seizure—sorry, Niagara Falls—there was a

huge seizure at the border coming in. It's being brought in in the Cornwall area very significantly, and it comes in from First Nations reserves. But it's so lucrative now to criminals. It's not just a few people driving to the smoke shop and getting some cigarettes; it's transport trailers full of tobacco or contraband cigarettes being smuggled into the province through various ways, whether it's across the St. Lawrence or at a regular land border crossing. But it is coming in, mostly from the States and through First Nations land.

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Mr. Mike Colle: Does it come in already as cigarettes or does it come in as tobacco?

Mr. Gary Grant: Sometimes it's tobacco, but usually it's full cigarettes. The RCMP has estimated that there are 50 illegal cigarette-manufacturing plants on First Nations land in Canada.

The Chair (Mr. Grant Crack): Thank you. I appreciate it. We'll move to the official opposition. Mr. Walker.

Mr. Bill Walker: Thank you very much, Mr. Chair. Thank you, Mr. Grant. It seems interesting to me that we've spent a lot of time on this bill around a precautionary principle specifically to vaping and e-cigarettes. But contraband is a reality. If a government, in my mind, has put in their commitment for three years, that seems to me that there's absolutely something there that they are trying to address. I would suggest to you that in three years they haven't followed through on much of a commitment to do anything action-wise. Is that a fair statement?

Mr. Gary Grant: I'm not suggesting that. They did pass Bill 186 a couple of years ago, and I know, in meeting with various people, that they're developing certain initiatives. But certainly from the coalition's standpoint, they haven't introduced any meaningful action that will actually cut down on the contraband trade.

Mr. Bill Walker: Fair enough. "Meaningful" is the exact word.

Interestingly, earlier today someone made a presentation. I didn't get a chance to ask this question, so I'd just like to ask you. This is Mr. Schwartz from the Ontario Tobacco Research Unit: "Self-reported data on purchase of contraband cigarettes based on large population-based surveys show a significant decline between 2008 and 2012 in Ontario—a period during which tobacco taxes increased moderately." I find that that is not anywhere close to what I would have thought and certainly what I see anecdotally in my riding.

Mr. Gary Grant: I would disagree with that, anecdotally, as well as from a study that was done last year and the last few years by a market and consumer information firm called GfK which has found that in 2014 one out of every three cigarettes purchased in Ontario was a contraband cigarette.

I do notice that we have the member here from, I think, Sudbury. The bad news for Sudbury is that it has the highest rate in the province in 2014, at 35% contraband. But that's not leading the pack by any great

margin, because every municipality is running at about 33% of contraband cigarettes being sold.

Mr. Bill Walker: Yes, and I don't see any evidence that suggests that just because you smoked an e-cigarette as a youth you actually go to real tobacco, but I do think that certainly a couple of hundred for eight bucks is a huge influence for people to continue to smoke all kinds of tobacco, real tobacco.

Mr. Gary Grant: For everyone, in a sense, to do that, but I'm most concerned, as a police officer and father of four daughters, with the ready availability and targeting of young people.

I teach at Humber College and I ask all of my students if they know where to get contraband and what it is, and they all do. They all know where to get it. Some students are even selling it out of their locker to make extra money. It teaches them that it's okay to break the law, and it starts them smoking again. Plus, they can buy other things from these criminals.

Mr. Bill Walker: Absolutely. I turn it over to my colleague, who has a question as well.

Ms. Lisa M. Thompson: I really appreciate your time here today. Earlier I mentioned that this government has a habit of picking winners and losers. Why do you think this government is not going after contraband?

Mr. Gary Grant: I don't have a comment on that. I just wish they would go after it in a more stringent fashion.

Ms. Lisa M. Thompson: Thank you.

The Chair (Mr. Grant Crack): Thank you very much. We will move to the third party. Ms. Fife.

Ms. Catherine Fife: Thank you very much. Thanks, Mr. Grant. I'm just trying to get a sense of your coalition. You say that you're 17 organizations. Are any of those organizations actually from the tobacco industry?

Mr. Gary Grant: Yes. One of the organization members is the Canadian Tobacco Manufacturers' Council, I believe, as well as 17 others, including the border guard association, Toronto Crime Stoppers and many others.

Ms. Catherine Fife: So you're advocating to maintain menthol cigarettes in the system, specifically around contraband?

Mr. Gary Grant: Specifically contraband. I'm a non-smoker. I think nobody should smoke; we all know that. But I think it's putting the cart before the horse to ban menthol cigarettes, which about 80,000 Ontarians smoke—about 5% of the population—without cutting off the illegal conduit, which is contraband, which is where they'll go. As I said, there are twice as many menthol brands now as there are legal brands.

Ms. Catherine Fife: This government, though, has left a two-year window for menthol. That could be a driver, perhaps, to demonstrate that. We don't support the two-year window, actually, because the research out there around menthol cigarettes is pretty profound, from our perspective.

Just on the contraband piece, Mr. Grant: You mentioned in your presentation that obviously there have

been commitments in the last three budgets but very little action on anti-contraband tobacco measures, but you say that aside from tougher fines and giving local police more powers—you say “as well as a greater licensing of cigarette-manufacturing materials.” Can you expand on that, please?

Mr. Gary Grant: Well, the provincial government talked about licensing the tobacco that makes contraband cigarettes, but that’s a bit of a non-starter because most of the tobacco gets smuggled in from the States, so they’re not going to be able to license that anyway. We’re suggesting that they license things like the cigarette papers and the material. I forget the name. I think it’s called acetate tow. There are only two companies in the world, I’m told, that make it, and those are the things that make the filters, which are needed for all cigarettes. We should be following the chain there and licensing that more stringently than just talking about tobacco.

Ms. Catherine Fife: That’s very interesting actually, but your association is advocating just to leave menthol cigarettes in place indefinitely or until—

Mr. Gary Grant: No, for at least two years. Until maybe the legislation—until maybe they can get a good handle on tobacco. Until they introduce meaningful legislation to stop the contraband trade, which will choke off that other alternative measure—a place where people can buy contraband.

Ms. Catherine Fife: Budget day is Thursday, so I’m sure I’ll be hearing from you as to whether or not there’s going to be anything in this upcoming budget to actually address this very serious issue. Thank you.

Mr. Gary Grant: I hope so. Thank you.

The Chair (Mr. Grant Crack): Thank you very much. We appreciate it, Mr. Grant. We appreciate your time in coming before our committee this afternoon.

Mr. Gary Grant: My pleasure. Have a nice day.

The Chair (Mr. Grant Crack): You, too, sir.

BLOW VAPOR

The Chair (Mr. Grant Crack): Next on the agenda we have Blow Vapor. We have, I believe, the president with us, Mr. Di Carlo. Are you alone today, sir?

Mr. Fernando Di Carlo: Yes, alone.

The Chair (Mr. Grant Crack): Welcome. You have five minutes.

Mr. Fernando Di Carlo: Thank you for allowing me the opportunity to present to you this afternoon. My name is Fernando Di Carlo. I’m the president of Blow Vapor, a rapidly growing manufacturer and distributor of e-cigarette products, headquartered in Vaughan.

I am here to speak to you not only about my company, Blow Vapor, but about the potential of the e-cigarette market from both an economic and public health perspective.

Let me be clear before I continue that, as a legitimate producer of a popular consumer good, we are supportive of Bill 45 in principle and greatly welcome government regulation in this market.

My goal here today is three things: (1) illustrate the need for more regulation; (2) change any negative perceptions of legitimate e-cigarette producers; and (3) warn of overregulation, which would drive the market underground.

Let me speak quickly about my company. I founded Blow Vapor about six years ago in Woodbridge, Ontario. Last year, we reached domestic and global sales of over \$500,000. Our manufacturing facility is located in Pickering and will soon employ over 60 people. We currently export our various e-cigarette products to a number of stores in the US and to 130 sites in Europe. We have been growing at a rate of about 200% per year.

We have always subscribed to a set of principles that align with public health and have never marketed to youth.

On the perception issue, let me start by saying that I understand that this is a very new product and that it has become quite controversial. Many e-cigarettes and e-liquids are produced overseas, mostly in China. They wind up in our jurisdictions where they are bought and sold at flea markets and other unregulated outlets. Since there is no regulation, we don’t know what’s in these liquids and if they are even safe to consume. There are also no enforcement mechanisms to shut down retailers who are found to be selling dangerous, untested e-cigarette products. This has all led to a negative perception of the e-cigarette industry.

There are good players out there and legitimate products that can provide specific benefits to the right consumer.

I agree with many who feel more studies need to be done before making a proper determination on e-cigarettes. That said, there are some undeniable positive qualities that have been noted by many reports and many credible researchers.

An independent group of 50 scientists and medical experts recently issued a public letter to the World Health Organization that stated e-cigarettes “could be among the most significant health innovations of the 21st century—perhaps saving hundreds of millions of lives.”

There are so many other studies, many of which have been mentioned here today. Overwhelmingly, they point to an opportunity to harness the value of e-cigarettes for the public benefit.

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Again, our company is supportive of greater regulation in our industry. That said, we feel there are elements of Bill 45 that should be revisited to ensure the public health benefits of our products are realized.

My thoughts include the following:

—E-cigarettes with nicotine should only be sold by licensed retailers that are subject to the oversight of public health officials.

—Flavouring in e-cigarettes should not be restricted, as they help smokers disassociate nicotine with tobacco flavour.

—In-store displays should be allowed so long as they are not crafted in a way that appeal to youth; Blow Vapor

has in-store displays that provide informational material by way of video on how to consume the product safely and that limit access to the product via lock and key.

—E-cigarettes should be allowed to be consumed in most, if not all, outdoor public spaces.

These recommendations accommodate the public's concern while allowing existing smokers the opportunity to take advantage of this technology to quit. I am happy to build on these specific recommendations in the question-and-answer time.

Just in conclusion, I want to stress that, through this process, the government has a great opportunity to: (1) harness the positive benefits of e-cigarettes from a public health/smoking cessation perspective; (2) avoid driving the market underground; (3) attract investment in a newly regulated industry in Ontario; and (4) save money for public health care.

Thank you for your time. I look forward to taking some questions.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Di Carlo. We shall start with the NDP, the third party. Ms. Gélinas.

M^{me} France Gélinas: Thank you so much for being here. Specifically, what is it in the bill that you don't want? There are big parts of the regulation that you seem to be in favour of. From your deputation, what I got is that you oppose the display and ban on flavouring?

Mr. Fernando Di Carlo: Yes.

M^{me} France Gélinas: The rest of it you're okay with?

Mr. Fernando Di Carlo: Yes.

M^{me} France Gélinas: Okay. So you really see your products as something where people will come into your store, and there won't be big advertising outside the store; there will be educational material once you reach inside the store. They will buy your products there, go home and use it as they see fit?

Mr. Fernando Di Carlo: Yes. Just to be clear—sorry—we're not retailers. We're actually manufacturers and suppliers.

M^{me} France Gélinas: Okay. You're manufacturers and suppliers.

Mr. Fernando Di Carlo: Yes.

M^{me} France Gélinas: Sorry, you had said that. How do you know that the people you will be selling to will be adhering to that?

Mr. Fernando Di Carlo: I think in one of my points, I mentioned that it should go to retail stores who already have that in place, typically those who sell tobacco products today. I believe there should be age verification. As a matter of fact, we have it in our displays under lock and key, which means they can see them, but there should be age verification upon the sale.

M^{me} France Gélinas: Okay. Do you manufacture the actual e-cig or just the cartridges or both?

Mr. Fernando Di Carlo: Both.

M^{me} France Gélinas: How many versions of e-cigarettes do you manufacture?

Mr. Fernando Di Carlo: Well, there are three types of e-cigarettes. Maybe I should kind of explain just the

breakdown very quickly. One is what's called a "disposable," which means you use it and once it's consumed, you throw it away. The second one is what's called a "cartomizer," which means you replace the flavour to it and it's a battery-operated system. The third one is a liquid system where you buy a tank, you choose your flavour liquid and your nicotine level, and you vape the liquid that you want.

M^{me} France Gélinas: Do you presently have products that have nicotine in them?

Mr. Fernando Di Carlo: Yes, we do.

M^{me} France Gélinas: You do?

Mr. Fernando Di Carlo: Yes.

M^{me} France Gélinas: How do you get around the fact—

Mr. Fernando Di Carlo: We don't sell any of those in Canada. We have a US office and we sell those only to the US market and Europe.

M^{me} France Gélinas: Okay.

Mr. Fernando Di Carlo: The UK specifically, actually.

M^{me} France Gélinas: Do you see selling those in Canada at some point?

Mr. Fernando Di Carlo: We'd love to, yes. We believe that smoking cessation is impossible without nicotine.

M^{me} France Gélinas: Smoking cessation is what?

Mr. Fernando Di Carlo: Is impossible without nicotine. The first adopters to e-cigarettes are smokers. Smokers need nicotine in order to wean off what they're doing now.

M^{me} France Gélinas: What do you think of vapour lounges where people actually go to use these products as a social activity?

Mr. Fernando Di Carlo: I have no problem with it, quite frankly. I'm not in big favour of combustibles, which means—I know a gentleman showed hookahs earlier today. I think combustibles are dangerous, no matter what form they're in. But I think if you have a vaping lounge like you have a cigar lounge, if it's age-appropriate, it's no different than a bar.

M^{me} France Gélinas: And who does the testing on the products that you put out? Those liquids and those cartridges, who does the testing?

Mr. Fernando Di Carlo: Right now, we do, and we would love some regulation on that. We would actually love to help the government craft some regulation about what liquids need and how you actually determine what's safe and what's not.

The Chair (Mr. Grant Crack): Thank you very much; we appreciate it. We'll move to the government. Ms. Hoggarth.

Ms. Ann Hoggarth: Hello, Fernando. Good to see you again.

Mr. Fernando Di Carlo: Hi. Thank you.

Ms. Ann Hoggarth: I appreciate that you believe that there should be some control over the liquid.

Mr. Fernando Di Carlo: No question.

Ms. Ann Hoggarth: However, there is supposed to be a control in that nicotine is not supposed to be used in it. Correct?

Mr. Fernando Di Carlo: Correct.

Ms. Ann Hoggarth: And you do use it—

Mr. Fernando Di Carlo: We don't.

Ms. Ann Hoggarth: You're telling me it's not sold in Ontario.

Mr. Fernando Di Carlo: That's right. We don't even distribute it in Canada. Our products come and go straight to our US office.

Ms. Ann Hoggarth: Okay. I have another question here. Your website describes Blow Vapor as a "bold and new sexy lifestyle brand" for "those who have a controversial side, a sexy side, a fun side, and an edgy side." Your site says that your products provide retailers "large margins and 'low-maintenance selling'" and can be used "in bars, restaurants ... offices and other places where smoking bans are typically in effect." So are you really marketing to people who want to quit smoking?

Mr. Fernando Di Carlo: I think we are. Actually, I don't even think we are; we definitely are. I have to make something clear: Because in Canada we're not allowed to sell nicotine, we are only selling our product for smoking cessation. For those of you who are smokers—I'm not one of them—the ability to move something to your mouth, according to research, is very important. We only have flavour available for those to help them wean off of nicotine or off of tobacco combustible products. That's all we can do in Canada, unfortunately. We're abiding by the law, and the law clearly—our attorneys say that no nicotine is allowed so—

Ms. Ann Hoggarth: Well, I appreciate that you're abiding by the law. There have not been too many people here today who are. Thank you.

The Chair (Mr. Grant Crack): Thank you very much. We shall move to the official opposition. Mr. Hillier.

Mr. Randy Hillier: Thank you very much for being here today. I just want to go over your recommendations—I think they're important—and maybe restate a couple of elements for the committee.

E-cigarettes with nicotine, you believe, should be sold by licensed retailers?

Mr. Fernando Di Carlo: No question.

Mr. Randy Hillier: Flavouring in e-cigarettes should not be restricted, as they help with the cessation or the replacement, however you want to—maybe I should make a comment there. There's smoking cessation, and there's also nicotine replacement therapy. Those are two different phrases that we see. Often they're combined, though, as well. So we see the patches, the Nicorette gum and the inhalers. They are all nicotine replacement therapies but also hoping to end smoking. Right?

Mr. Fernando Di Carlo: Correct.

Mr. Randy Hillier: Okay. You are of the view that you need to have that nicotine component in there to wean people off as an effective cessation device or replacement therapy.

Mr. Fernando Di Carlo: Yes.

Mr. Randy Hillier: In-store displays should be allowed so long as they're not crafted to appeal to youth. I think everybody has been pretty solidly behind solid regulations that prevent providing or selling vaporizers to youth. I don't think there's any disagreement or argument there.

You also have in here, e-cigarettes should also be allowed to be consumed in most if not all outdoor public places, and we've heard that from a number of people. Different people have qualified it that in indoor facilities that are exclusively for adults, where youth cannot be. Maybe you can expand on that one element. Why is that important, in your view, for vaporizers?

Mr. Fernando Di Carlo: There are two things. Number one, on the indoor: I'm not really opposed to a ban of indoor vaporizing. Some people are. I'm not necessarily in favour of either way. I'm kind of okay. But I believe outdoors there shouldn't be a ban. I think it's totally different to allow vaping on an outdoor open patio versus something where you're inside of a restaurant. I know that earlier somebody had mentioned about seeing clouds in a restaurant. Well, that could make people uncomfortable.

Mr. Randy Hillier: Yes. From all the evidence that I've seen, it appears that it's an effective way to move people off smoking, that it's a gateway out of tobacco. Making people who are trying to get away from tobacco go huddle up outside with smokers is probably not the most effective way to get them to stop smoking. Being able to use a vaporizer on a patio or other adult locations would be that incentive to continue to stop smoking.

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The Chair (Mr. Grant Crack): A final quick comment. Do you have any response to that? Because your time is well over.

Mr. Fernando Di Carlo: I agree. I think that the more freedom we give to adults to have the option and have the alternative to vape, as opposed to smoking any combustible product, is a great option.

The Chair (Mr. Grant Crack): Thank you very much for coming before the committee this afternoon. We appreciate it.

Mr. Fernando Di Carlo: Thank you for your time.

ONTARIO CONVENIENCE STORES ASSOCIATION

The Chair (Mr. Grant Crack): I believe the Ontario Convenience Stores Association is next, and I believe the CEO, Mr. Bryans, is here, and the owner of a convenience store, Mr. Di Pasquale, is here. Welcome, gentlemen. I hope I pronounced that properly.

Mr. Dave Bryans: Thank you. Good afternoon. I'd like to thank the members of the committee for taking time to hear from the Ontario Convenience Stores Association. We represent over 7,000 small business owners and operators in Ontario. I'm proud today to be joined by a small business retailer, Robert Di Pasquale, who operates Downsview Market in Downsview, Ontario.

We appreciate the opportunity to provide the convenience store industry's perspective on Bill 45, particularly regarding the banning of menthol tobacco, a product that has been sold to adults in our channel for over 60 years in Ontario. It impacts about 80,000 current menthol smokers, and 63% of all menthol smokers surveyed by Abacus Research stated they would source these products from aboriginal reserves, where we know there are over 30 menthol non-taxed brands presently available, with more to come.

As committee members are likely aware, convenience stores are the largest retail provider of legal tobacco products in the province of Ontario. Our retailers take this responsibility very seriously, complying with all Health Canada rules and all Smoke-Free Ontario regulations pertaining to display bans, age testing and more. We're the gatekeepers that prevent tobacco products from winding up in the hands of minors. If a retailer disobeys the law here in Ontario, they're immediately fined and could potentially lose their store for not age testing for tobacco products. This is something our association has always supported and will continue to support.

It is because of this commitment to preventing youth smoking that I feel our association must address some of the statistics that have come out through the Propel study and others relating to flavoured tobacco in Canada, and specifically with respect to menthol.

Thus far, the OCSA—myself—has refrained from weighing in on the Propel study, which has been used by various groups and government officials as the rationale behind a menthol tobacco ban in Ontario. I want to clarify some of the statements and myths around this study, as well as to present some data of my own.

Tobacco use by young people in Canada is at a historic low of 7%, according to Health Canada. We can all agree that any percentage of youth consumption is way too high. Until this number is at zero, there will always be work to be done together to educate and change the next generation's behaviours on smoking. However, 7% overall youth tobacco consumption is a very different number than what is cited in the Propel study, which suggests it is double that amount.

The important note here is that the Propel study only measures tobacco use in a 30-day period, not prolonged use. However, these statistics are driving policy decisions under the premise that it is the ongoing norm in the province of Ontario.

With this in mind, the Propel study data actually reveals that, of the 14% of Canadian youth who have tried a tobacco product in the last 30 days, 32% of that 14% tried a menthol product. That means that just under 4% of all youth in Canada had tried a menthol product in a month's time. While it isn't zero, 4% is a far cry from the 30% number being cited by some groups.

Again, our position is very clear, that no young person should have any tobacco in their possession, but we feel a flavour ban is just a band-aid solution to this problem. Instead, we propose that the Ontario government introduce a possession, consumption and purchasing ban on

tobacco by anyone under the age of 19. This has been introduced in other jurisdictions throughout Canada and the United States, and with proper enforcement we feel this will, over time, change the behaviours and attitudes of young people towards smoking.

Should the committee and government wish to proceed with a ban on flavoured tobacco products and menthol products, it is critically important that retailers are provided a fair adjustment period to ensure that we can transition these products out of our stores. Removing these items immediately will just bring a knee-jerk reaction from consumers to run to the black market. We, as an association, must be able to adequately educate all retailers in Ontario about this change so that they all can be compliant. As such, we propose a two-year transition period from the time the legislation achieves royal assent for retailers to remove these products from their shelves. This is not an ideal outcome for small businesses in Ontario, but time to implement change is only fair to our retailers.

I'd like to close my remarks by briefly touching on the topic of electronic cigarettes. We agree with the government that convenience stores should be trusted to sell and handle these products and that they should not be sold to minors. It is important that we maintain control of this new, emerging product category, and that they are only available for sale in licensed establishments that are inspected by local public health units. Opening up the sale of these products beyond convenience stores does not guarantee that age checks, display bans or other measures will be enforced.

As this does represent a unique opportunity for our business, we suggest that the committee consider approving the sale of e-cigarettes containing nicotine until such time that Health Canada has provided their official rulings.

Once again, I'd like to thank everyone for letting us sit and talk to you today. Robert and I would be glad to answer any questions.

The Chair (Mr. Grant Crack): Thank you very much. We'll begin with the government side. Ms. Kiwala.

Ms. Sophie Kiwala: Thank you very much for your testimony and to you both for being here, Mr. Bryans and Mr. Di Pasquale. I just wanted to start out by saying that I'm very supportive of the work that the convenience stores have done with respect to the changes that were made around smoking in general in the past many years—fantastic job. I used to work in a federal office and got lots of literature, which I was surprised to see, but you've been really solid on that front. I thank you for your work there.

You've brought up the Propel Centre and some of the statistics. We're looking at statistics from the Propel Centre that say that young smokers disproportionately use menthol—about one in four compared to approximately 5% of adult smokers. How can you continue to claim that it's an adult product?

Mr. Dave Bryans: I'll answer that. That's a great question. I think I clarified in my speech that it isn't one

in four; it's 4% of young people. That's clarifying the Propel study.

Ms. Sophie Kiwala: Okay. Well, the information that we have that's coming forward does state those statistics.

In 2011, the University of Waterloo's International Tobacco Control Policy Evaluation Project surveyed Canadian menthol smokers and asked what they would do if menthol were no longer available: 35% said that they would quit smoking; 40% said that they would choose another cigarette brand; 21% said that they didn't know; and 4% said that they would both choose another brand and stop smoking, which ultimately is what we're here to do. We hope that more people do quit smoking with this precautionary legislation.

What do these numbers tell us about the claim that menthol smokers will turn to contraband sources if menthol cigarettes are banned?

Mr. Dave Bryans: We did an Abacus study in January 2015, so it's just recent. We have shared it with the health department. Some 63% of all smokers said that if you were to ban a flavour like menthol, they would get it from aboriginal reserves. With 63% of 80,000 smokers, you would hurt small business by sending our customers to the underground economy.

I'll let Robert comment.

Mr. Robert Di Pasquale: I was just going to comment that I can't speak to these large numbers, but I can tell you that I was talking to my customer, whose name is Antonella, and another customer of mine, whose name is Maria. Maria smokes Vogue Slims Menthol and Antonella smokes the same. They are friends. I brought this to their attention and asked them to contact their MPP to give them feedback, and they both told me that it's kind of a non-issue for them. They know where they can buy contraband and if I don't have it, they know where they can get it, where it's available.

Ms. Sophie Kiwala: We do have some studies that suggest they'll come back—

The Chair (Mr. Grant Crack): Thank you very much. We appreciate that. We'll move to the official opposition: Mr. Walker.

Mr. Bill Walker: Thank you both for coming today. Thank you for bringing that fact of the 4% as opposed to one in four, because that's pretty easy to get mixed up. I would reference that, recently, we had a researcher in who used another fact about contraband going down, and the contraband association that just came in refuted that. So there are a lot of facts out there; just because you hear it, it doesn't make it true.

I want to also add that, with our interim leader, Jim Wilson, I met recently with the Korean business association on this and a number of other factors. One of the things that they're concerned with absolutely is that it's hard enough now to make a go in business with all the regulations and the red tape and the reporting and the inspections and the overzealous inspectors that are coming in, when they're doing their best—they don't want to see you smoking, either. They can lose their livelihood if they do that. So they're working very hard to do that.

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I found it interesting: Again, one of the key points that I pulled out of your presentation is the idea of making possession illegal. If you're under 19 you can't possess alcohol, so why, if they really wanted to get at the root of youth smoking—a lot of where we see the distribution centres—the point of sale, if you will—is on our school grounds, and that's not just the adolescents; that's on our public school grounds, as well.

I have two boys. If they both knew it was illegal—it's a lot different than “Oh, yeah, we're not supposed to, but there's nothing that's actually going to happen, Dad, if I get caught with this.” I think that's a huge thing.

I would like to know if they consulted you on any of this before it was actually brought in as legislation.

Mr. Dave Bryans: We've had meetings with the health department, but everyone's pretty adamant, as you've heard from past questions—

Mr. Bill Walker: Clarification: not the health department. I'm asking specifically about the Liberal government. Did they consult you as an industry, as an organization, prior to bringing this legislation forward?

Mr. Dave Bryans: The ministry has had us in for meetings, and we've expressed our opinion that banning menthol would hurt small business and would send 80,000 adult smokers to the underground economy. No one seems to have the interest at this time to help us correct contraband, so those are the two reasons why we've said don't ban menthol, and let's help our youth by banning possession, consumption and purchasing. If we're not going to fix the illegal market and we're going to keep banning things because of youth, then let's ban youth like they do with alcohol. I agree with that. Thank you.

Mr. Bill Walker: Certainly anecdotally, a lot of retailers in my riding of Bruce-Grey-Owen Sound have said to me, “They're going. They're not stopping smoking; they're just going to go somewhere else. You're not going to get the taxes, I'm not going to have as big a business and I'm going to probably lay people off. Think about this before you do it.”

I'll turn it over to my colleague.

Ms. Lisa M. Thompson: Very good. Thanks for being here today. Have you done your own butt study, so to speak?

Mr. Dave Bryans: We have.

Ms. Lisa M. Thompson: And what did you find?

Mr. Dave Bryans: We do a butt study every year. We sweep the same 130 sites. In there we sweep high schools, hospitals and racetracks, and we find that youth possession of contraband is as high as 48% in some high schools and as low as zero in others, so congratulations to that high school. But the trend line shows that it's going up, it's not going down. It's an unscientific study—I think we've said it in past meetings—but nobody's admitting they're selling it and no one's admitting they're buying it.

We do have issues around the growth of contraband. I think I've sang like a canary at this committee for about

four years now, or other committees, saying that it's time to fix contraband. It hasn't gone anywhere, but the butt study reaffirms—and this October, I will be doing the same 130 sites to show you the trend line, and we'll see where it goes as far as illegal products.

Ms. Lisa M. Thompson: Why do you think this government is avoiding that issue, the contraband issue?

The Chair (Mr. Grant Crack): One quick response.

Mr. Dave Bryans: I wish I had the answer.

Ms. Lisa M. Thompson: Thank you.

The Chair (Mr. Grant Crack): Thank you very much. We shall move to Ms. Gélinas.

M^{me} France Gélinas: Nice to see you again. You've asked that if they are to move ahead with banning flavoured products, including menthol—you wrote, "We propose a two-year transition period from the time legislation achieves royal assent for retailers to remove these products from their shelves."

Take me through why you need two years. Why not two months? Why not three years? And how will you use that time? Why is it that we need that two years? What will you do? Walk me through it.

Mr. Robert Di Pasquale: To be honest, I don't believe you should ban it in two years. Right now it's a regulated market. We have to go through licensing from the city. We have a provincial licence to sell tobacco—it's called a PTP; that's a provincial tax permit. None of the tobacco companies will deal with us without these licences etc. Right now it's regulated. It's controlled. If my staff—

M^{me} France Gélinas: You're missing your opportunity here. If you don't convince me that it takes two years, well, then why don't we just do it January 2016, like we will ban every other flavour? If you want menthol to have an extension, what are you going to use those two years for?

Mr. Dave Bryans: I'll answer that. What we need the two years for is to pay to get our customers adjusted. They're going to have to change. If they don't change, they're going to go to the underground market.

We also need time to realign our business, because we're going to lose another 5% to 8% of our daily sales. I don't know how small business is ever going to replace all of these rules that are coming out. We have a pension plan coming that's going to cost us 2%. We have punishing hydro rates. To now eliminate a product overnight which is—probably 60% of your sales in the total tobacco category?

Mr. Robert Di Pasquale: Yes.

Mr. Dave Bryans: To eliminate part of that would really put small business—in the United States convenience stores are growing at 1.5% a year. In Ontario, they're dying at 3% a year, and that's because we're overregulated. We need time to adjust our whole business model.

It's not just one specific date. Two years is a number that was already suggested to me from the ministry, and I agree with that. It could be five years, but I'm not going

to sit here and think out of the box and say that will work. It won't work.

M^{me} France Gélinas: So the two years is really, you said, to help your customer transition away from menthol. How does a small business owner do that?

Mr. Dave Bryans: Tobacco is a sunset category; it's dropping at about 1.5% to 2% a year. Menthol will kick it up to 7% immediately, so you'll probably lose about 300 stores immediately. So what we're saying is, give us time to work with our business model and our customers to educate them that change is coming. We're going to face a ban on flavoured cigars. We're going to face a ban on flavoured chew. A big part of our business is going out the door. I know there's not a lot of sympathy for the tobacco industry or tobacco business, but I think there has to be some acceptance that small businesses just can't be cut off over night.

Mr. Robert Di Pasquale: Not to mention that we don't want our customers immediately going to contraband. Hopefully within two years' time, the government comes up with a solution to better handle contraband and the contraband market. It will allow you guys sufficient time to improve laws and legislation against contraband so our customers aren't switching to an alternative market that's unregulated.

The Chair (Mr. Grant Crack): Okay. Thank you very much for your input in this afternoon's delegations—appreciate it.

CANADIAN CANCER SOCIETY

The Chair (Mr. Grant Crack): Next we have the Canadian Cancer Society, national office. I believe Mr. Rob Cunningham is with us, senior policy analyst. Welcome, sir.

Mr. Rob Cunningham: Thank you. I have lots of samples.

M^{me} France Gélinas: Did you empty my fridge? I have the exact same things in there.

Mr. Rob Cunningham: Chair, members of the committee, my name is Rob Cunningham. I'm a lawyer and senior policy analyst with the Canadian Cancer Society, national office. Thank you very much for the opportunity to testify today with respect to Bill 45. This is a bill that's going to make a difference to reduce tobacco use in Ontario. We commend the bill for being brought forward. We commend this bill to all MLAs for their support.

You have four handouts from me: two of these deal with proposed amendments. You've already heard reference today to proposals to add regulatory authority—in an amendment to the bill—to allow controls on use of non-tobacco herbal water pipe smoking; so to be able, by regulation in the future, to say that wherever smoking is banned you wouldn't be able to use this water pipe smoking, the herbal shisha. Nova Scotia has already done that. That comes into force May 31. Vancouver has already done it. More municipalities have already done it. Alberta has legislation that's not yet proclaimed that does exactly that.

The second amendment is with respect to banning flavoured cigarette papers. I have with me all kinds of flavours: root beer, cotton candy, many others. If these are not banned, there will be a loophole. They would be able to undermine the intent of the ban on flavours. These should not be allowed to be sold. As part of one of your handouts, you have scanned images of these packages for future reference for members of the committee once I take these packages away.

Nova Scotia's bill introduced on Friday to ban flavoured tobacco includes a ban on cigarette papers. US national legislation which bans flavoured cigarettes includes cigarette papers when sold separately in other components of a cigarette. The US national legislation exempts menthol.

In terms of what the trends are in terms of flavoured legislation, Ontario is consistent with those trends. Bill 90 introduced Friday in Nova Scotia will ban flavours in all tobacco products—a few cigar exceptions—but includes a ban on menthol. Essentially the Nova Scotia bill will do what the Ontario bill is doing. In the European Union, which has 28 countries, there's going to be a ban on menthol that's being implemented in a very complex legislative environment. New York City adopted a city ordinance in 2009 to ban flavours in all tobacco products. It exempted menthol. But now the US FDA, the Food and Drug Administration, is looking at what they can do with respect to banning menthol. Other provinces are looking at this. Legislation is expected in Quebec. Alberta has legislation. Ontario is building on that. It's consistent with the international trends.

With respect to the trends for e-cigarette legislation, we see more municipalities and provinces and states adopting legislation along the lines of what Ontario has done. The best example is Nova Scotia. Just to clarify what happened in Nova Scotia, there is a bill that received royal assent in November. What was adopted is actually very similar to Bill 45. The flavour part of that bill was removed in committee, as was mentioned, so there are no restrictions on flavours that have been adopted yet, although the bill introduced on Friday will give regulatory authority to restrict flavoured e-cigarettes, which is exactly the same provision as you see in Bill 45.

As of May 31, in Nova Scotia, sales to minors of e-cigarettes are banned. The use of e-cigarettes in workplaces and public places where smoking is banned—that's going to come into force. In Nova Scotia, the e-cigarette specialty retailers supported that ban on the use in public places and workplaces where smoking was banned, just as the representative of Blow Vapor did here today.

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The Ontario bill, from a provincial responsibility perspective, implements many of the recommendations of the House of Commons Standing Committee on Health. So there's consistency in the approach that's evolving.

With respect to contraband, if I could have a few comments on that before I close: The final handout you

have from me provides data from the international tobacco companies that is different from what we heard today. This particular graph from Philip Morris International documents that in Ontario there is a tremendous decrease in the proportion of contraband, from 49% in 2008 to 27% in 2011. The Ontario Convenience Stores Association gave a release last fall saying that, according to their butt study, it was 21.5% province-wide in 2014, compared to 20% in 2013. We haven't seen their methodology to see if this is even an overestimate, but their numbers—and I will provide that news release to members of the committee—are significantly lower than the estimates that have been heard today.

The tobacco industry and the associations they belong to, such as the convenience stores association, have a long history of opposing all types of legislation, saying there's going to be contraband. They oppose tobacco taxes. They oppose putting larger warnings on packages because it's going to cause contraband. They oppose federal Bill C-32 because of flavoured cigarillos. They oppose hard tobacco. It's always contraband is why we can't do it.

The Chair (Mr. Grant Crack): A quick comment; final one.

Mr. Rob Cunningham: In summary, it's only 4% of the market that represents menthol in terms of cigarette sales—far lower than in other countries. This is a very feasible measure. It's one that we strongly support. This is a measure that's going to reduce tobacco use in Ontario. We support the bill and commit it to your consideration. Thank you.

The Chair (Mr. Grant Crack): Thank you very much. We shall move to the official opposition. Mr. Hillier.

Mr. Randy Hillier: Thank you very much, and thanks for being here today.

I find it interesting that you're using a Philip Morris study on illicit tobacco and contraband. I don't know how peer-reviewed that is, but you're accepting that at face value, that contraband or illicit tobacco has gone down.

Then what we've heard often from people in the NGOs and the not-for-profits is that they're not willing to accept—that there are not enough studies yet on the benefits or the positives of e-cigarettes as cessation devices or nicotine replacement therapies. I find it interesting that you would put that out, that Philip Morris says illicit tobacco is down and that we should take that, because we have heard from Gary Grant earlier that contraband tobacco is indeed increasing.

In my area, we have more native smoke shops in my riding now than we did three and four years ago. They no longer have to be on reservations. They are on Highway 7 now. The availability, the accessibility, of contraband tobacco is growing from all evidence that I can see.

Mr. Rob Cunningham: Sometimes the tobacco industry says one thing publicly and a different thing to investors and stock analysts. These are reports that they gave to stock analysts. So we want to clarify that their

statements today are not consistent with their statements elsewhere.

Mr. Randy Hillier: Right.

Mr. Rob Cunningham: There are indications that contraband has gone down. At the same time, more could be done to further reduce contraband. We made recommendations along those lines to the federal government and the Ontario government. If we need to step up measures with respect to contraband in companion to this bill, that's certainly something we would support.

Mr. Randy Hillier: Okay. So you don't really believe that contraband tobacco has gone down?

Mr. Rob Cunningham: No. I think by all indications, in terms of the legal tax-paid sales, in terms of looking at the actual government data, that is further indication that contraband has gone down in Ontario and in Canada.

Mr. Randy Hillier: You're saying that contraband has gone down?

Mr. Rob Cunningham: Yes, it has.

Mr. Randy Hillier: There's fewer illicit tobacco shops or the use of tobacco?

Mr. Rob Cunningham: Well, I think that the volume of illegal cigarettes sold has gone down. Whether that affects the number of smoke shacks, I don't know in terms of the number of stores, but the quantity of illegal cigarettes in Ontario has gone down substantially, as Philip Morris International has told stock analysts.

Mr. Randy Hillier: Again, I just find that interesting, in that you are pretty confident and assertive in that statement, but we can't get anywhere near that level of assertiveness or certainty from the hundreds of studies that are showing e-cigarettes to be a positive and beneficial cessation device. Thank you.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Hillier. Ms. Gélinas.

M^{me} France Gélinas: I will ask you the same question that I asked: Could you think of a reason why we would delay banning menthol for two years?

Mr. Rob Cunningham: No. In Nova Scotia, the implementation date is May 31, 2015. When we've implemented federal measures to restrict flavours and to change package warnings, it has been far, far less than two years.

M^{me} France Gélinas: Do you believe that if we passed the ban on flavoured tobacco, including menthol, less Ontarians will smoke?

Mr. Rob Cunningham: Yes. I think that we'll see a decrease in smoking and tobacco use, and that will accumulate over time.

M^{me} France Gélinas: From the point of view of the Canadian Cancer Society, do you see menthol as a gateway for young people to start smoking?

Mr. Rob Cunningham: Yes. Menthol encourages youth to begin. It's a local anaesthetic. It soothes the throat and reduces harshness. It also discourages cessation among adults. There is some very good evidence with respect to that effect.

For a product that's highly addictive and causes death, there's no reason why we should allow flavours to make

it taste better. For kids who have medicines that don't taste good—we want kids to take the medicines, and that's why we add flavours. Cigarettes kill.

M^{me} France Gélinas: There's no reason for it. When it comes to e-cigarettes, you've heard some of the arguments that say the product is the flavour: If we ban the flavour in e-cigarettes, we ban the products. Do you believe that to be true?

Mr. Rob Cunningham: This bill will give regulatory authority to restrict flavours. There's no ban on flavours in this bill. Should there be some restrictions on flavours? Yes. Should we have cotton candy- and chocolate-flavoured e-cigarettes? No. Should there be some restrictions? Absolutely, but this bill doesn't do that.

M^{me} France Gélinas: And is the Canadian Cancer Society looking at the value of e-cigarettes as a smoking cessation aid?

Mr. Rob Cunningham: We're continually studying this and evaluating the research. The research continues to emerge. Even with a future consensus that this is very good, it's not one-dimensional, because we have industry marketing that is using this to keep people smoking through lifestyle marketing, encouraging people to use this where smoking is banned and encouraging dual use. The purpose of this bill recognizes potential benefits and potential risks. Regulation is needed. This bill deals with the portion that is a potential risk, so we need to minimize the downside.

M^{me} France Gélinas: Thank you.

The Chair (Mr. Grant Crack): Thank you very much. We shall move to the government side and Ms. Kiwala.

Ms. Sophie Kiwala: Thank you very much for being here today, Mr. Cunningham. We have appreciated your testimony. I'm wondering, considering the last couple of witnesses we had here, if you could clarify the stats from the Propel Centre regarding the incidence of youth smokers.

Mr. Rob Cunningham: I think that study is very important. Canada-wide, 50% of high school students who use tobacco use flavoured tobacco; 29% of high school smokers smoke menthol. If you look at grades 6, 7 and 8, where the smoking prevalence is very low, which is what Mr. Bryans, the previous witness, said, that will distort the overall average, because we know that as you get older—more and more people start smoking during their adolescence. If you only look at grade 12 students, the number is far higher, enormously higher than when you mix in grades 6, 7 and 8.

Ms. Sophie Kiwala: All right. Thank you. Is there definitive scientific evidence that suggests that e-cigarettes are not a health risk for users or the public, or that they are effective as tobacco smoking cessation devices?

Mr. Rob Cunningham: With respect to second-hand vapour, so it's called, we have to recognize as well that not all e-cigarettes are the same. Some e-cigarettes have additional ingredients than the four that were mentioned earlier today. There are substances that are in e-cigarette vapour that need to be regulated. That's why there is

widespread support and increasing legislative action to ensure that workplaces and public places do not have use of e-cigarettes.

There's another point: Smoke-free workplaces and public places are a really effective motivator to get people to quit. If you allow e-cigarettes in those locations, it can encourage dual use and decrease that motivation to quit. That can sustain smoking, and that is not the intent that we've heard from any companies.

1740

Ms. Sophie Kiwala: Do you believe that Bill 45 takes an appropriate approach to regulating e-cigarettes in Ontario?

Mr. Rob Cunningham: Yes. What Ontario is doing is similar to what BC and what Nova Scotia are doing and what is being considered in other provinces. It takes an appropriate approach. E-cigarettes clearly need regulation. The regulation in Bill 45 is appropriate regulation.

Ms. Sophie Kiwala: That's great.

Mr. Mike Colle: Do we have time?

The Chair (Mr. Grant Crack): Twenty seconds, Mr. Colle.

Mr. Mike Colle: I think Mr. Hillier raised a good question here about the motivation of this chart. I guess our friends at Philip Morris are trying to persuade their shareholders that things are good and that they're not losing that much market share to the underground economy, so therefore they don't mind demonstrating that this loss to the underground economy isn't as much as they say in other forums about the underground economy. Am I interpreting this right, in a general way? Trying to interpret Philip Morris—

The Chair (Mr. Grant Crack): A very quick response: Yes or no.

Mr. Rob Cunningham: The thing is, if they give misrepresentation to their shareholders, there are serious sanctions for that.

Mr. Mike Colle: Okay.

The Chair (Mr. Grant Crack): Okay, thank you very much—appreciate that and appreciate your coming before committee, Mr. Cunningham, this afternoon.

CANADIAN BEVERAGE ASSOCIATION

The Chair (Mr. Grant Crack): Next, we have the Canadian Beverage Association: Mr. Jim Goetz? Gates?

Ms. Lisa M. Thompson: Goetz.

The Chair (Mr. Grant Crack): Goetz? My apologies, sir.

Mr. Jim Goetz: No problem.

The Chair (Mr. Grant Crack): We welcome you here this afternoon, Mr. Goetz, president of the Canadian Beverage Association. You have five minutes.

Mr. Jim Goetz: Thank you, Mr. Chair. Let me begin by expressing my gratitude for the invitation to appear today. My name is Jim Goetz, and I am the president of the Canadian Beverage Association, representing the non-alcoholic, non-dairy beverage industry.

Our industry makes a substantial contribution to the economic life of Ontario. Our member companies provide direct employment for some 7,700 Ontarians and indirectly employ over 17,000 more through jobs related to our industry, such as transportation, production, distribution, construction, retail and the restaurant sector. In total, we have more than 60 facilities province-wide, including facilities in Windsor, London, Kingston, Barrie and Owen Sound, generating \$2.9 billion of added value to Ontario's economy.

We are proud of our economic footprint. We are also aware that, as an industry, we bear important responsibilities, especially when it comes to offering consumers a healthy balance of beverage choices and the necessary information to make informed beverage choice decisions.

Our industry has already voluntarily implemented a caloric labelling initiative, Clear on Calories. Started in 2011, this industry-led initiative provides front-of-pack caloric labeling on all of our members' products. Clear on Calories is designed to help consumers be aware of both the caloric content and serving size of the beverages they are choosing.

Our industry has been and will continue to be a leader in addressing issues such as public health through product innovation, educational advertising, smaller package sizes and industry-specific guidelines and initiatives. The Canadian Beverage Association believes that industry-led initiatives which provide the necessary caloric information and education are essential if Ontarians are going to be able to make the choices that are best for themselves and their families.

Considering our industry's track record in providing consumers with clear, standardized and visible caloric information on our packaged products, we respectfully ask the committee to consider some flexibility in the caloric labelling requirement for fountain beverages sold at restaurants across Ontario. Due to the wide array of beverage cup sizes and flavours available to consumers, it would be very difficult and cumbersome for our consumers and the restaurant food and service industry as well to display the specific caloric content for such a wide variety of options.

To ensure that Ontarians are still adequately informed of the caloric content of our fountain beverages, we propose that the legislation or regulation consider caloric designation ranges on menu and menu board labelling. These calorie designations would provide the range of calories for each cup size without requiring restaurants to list up to 50 separate flavours and varieties. We believe this is a balanced solution to ensure Ontarians are aware of the caloric content of their fountain beverage choices while reducing the burden on consumers and clients.

Secondly, we would also like to propose an exemption for calorie labelling requirements for packaged beverages where the product's Clear on Calories front-of-pack declaration is visible to consumers. This includes, for example, reach-in coolers at cafeterias, quick-service restaurants or where sample packages are clearly displayed. With the caloric content of each product so

clearly displayed, we believe that additional labelling is not required to properly educate the consumer.

We sincerely believe that these two proposals are aligned with the legislation's intent while minimizing any unnecessary labelling requirements to our consumers and the interaction between our consumers and sales teams.

I want to emphasize: We recognize that we must be part of a shared effort and we're very committed to doing our part. At the Canadian Beverage Association, we're more than prepared to keep working in partnership with the government of Ontario in pursuit of those goals, from industry-led initiatives, such as Clear on Calories, to our future initiatives, which will reduce beverage calories in the Canadian diet.

On that note, I bring my remarks to a close. Thank you again for the opportunity to appear in front of you and I welcome any questions.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Goetz. We shall move to Mr. Colle from the government side.

Mr. Mike Colle: It's good to see you again.

Mr. Jim Goetz: Hello.

Mr. Mike Colle: Yes. One of my pet peeves: If I look at the back, the writing is always so small in terms of—because I do look to see how many calories am I going to drink and how much sodium. I look for calories and sodium. What I find—and I don't know if it's just the beverage industry or whether it's your members, but they're playing a little trick. Some of the containers will say for one can, there are no calories; some other containers will have for half a can, there are so many calories.

I would pick it up and I'd look at the calorie count, and I think that's the calorie count for the full can, rather than the half can. I think they do that for some food products, too. Is that what you're talking about when you're talking about clear calories, or that program?

Mr. Jim Goetz: The beverage industry, when we introduced the Clear on Calories program in 2011, made changes to the serving size ratio versus the calories. Depending on the age of that can in front of you, you should see on the very front of it that there is a Clear on Calorie tablet, which would—if that's a diet Coke, I believe?

Mr. Mike Colle: Yes.

Mr. Jim Goetz: It should say it, I believe—

Mr. Mike Colle: This one here, zero?

Mr. Jim Goetz: Yes. There's a tablet on the front. That is for that serving size. Where we also made some changes were on the slightly larger bottles with 500 millilitres or 591. Those used to be labelled on the caloric content as a multi-serve. In 2011, the industry made that change. The calories reflected on the front and on the back are now for the entire bottle.

When you get into larger sizes, larger bottles which are taken home and consumed over a weekend or whatever, that is then labelled as a serving size, as dictated by Health Canada.

Mr. Mike Colle: Like one cup or so many millilitres.

Mr. Jim Goetz: Yes, and that's standardized. But all of what are considered single serve now are single serve with the calories.

Mr. Mike Colle: So it's single serve. And who are your members?

Mr. Jim Goetz: Coca-Cola, Pepsi, Canada Dry Mott's, Nestlé Waters, Cott Beverages.

Mr. Mike Colle: So these other, smaller organizations may not treat it the same way, then?

Mr. Jim Goetz: Not everyone is on board with our program, but our industry represents approximately 85% to 90% of the market in Canada.

Mr. Mike Colle: So if I pick up a can of Coke or Pepsi, I'm looking at the calorie count and I'm trying to read it with my glasses—

Mr. Jim Goetz: It is standardized.

Mr. Mike Colle: It's standardized for the container.

Mr. Jim Goetz: Yes, it is.

Mr. Mike Colle: Unless it's a big sucker, like the Americans drink. They walk around with these—

Interjection: Big Gulps, two-litre.

Mr. Mike Colle: —Big Gulps, mega gulps. Then it's a different story. But for the ordinary Canadian little guy, it's basically very clear for that container.

1750

Mr. Jim Goetz: Yes, those are standardized. What is unique about our program is that some other individual companies have different practices for caloric labelling etc. This is the only initiative in North America, quite frankly, where it's across multiple companies. So to your point, Pepsi, Coke, Canada Dry, Mott's—it's all the standard packaging and all the standard rules on how many calories will be put on the front.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Colle. I know that you could go on for a long time here, but we'll have to go to Mr. Walker.

Mr. Bill Walker: Lisa, you go ahead first.

Ms. Lisa M. Thompson: Thanks for coming here today. I have one question for you: Were you consulted prior to Bill 45 coming to the House?

Mr. Jim Goetz: In a formal way, we were not.

Ms. Lisa M. Thompson: You were not?

Mr. Jim Goetz: No.

Ms. Lisa M. Thompson: Okay. Thank you very much.

The Chair (Mr. Grant Crack): Mr. Walker?

Mr. Bill Walker: Mr. Goetz, how are you?

Mr. Jim Goetz: Good.

Mr. Bill Walker: Mine is kind of a little different area. I'm fully on board with regard to anything we can do to stop our kids from maintaining obesity, and anything we can do to help families and anyone who is struggling with that type of thing.

One of the concerns I have with some of the caloric labelling is that all of us have different metabolisms, all of us have different sizes, all of us may have drunk something earlier before we went into that restaurant. My concern is really, again, that we're kind of doing one little piece but I'm not certain that it's enough.

I think what I would have liked to have seen in this bill, again, had we been consulted, similar to your industry—we could have put some things forward in at least tabling the draft that would have talked about physical fitness and the things that are going to have more impact than just caloric labelling.

We had the restaurants' association in. One of the concerns they have is the repetitive cost and what happens on the overzealous inspection side of things. Do you share any of those similar concerns?

Mr. Jim Goetz: I'm not a doctor and my specialty is not obesity. However, it's well documented that obesity is a very complex issue. The food and beverages you consume are certainly one part of it, but they are one part of it. We, as an industry, are doing what we can to show that some of our beverages do contain calories, but in a 2,200-calorie daily intake diet there are a wide range of beverages you can choose which suit your lifestyle.

I consume full-calorie and diet various times in the week. I've maintained the same weight I've been since university. However, what we are trying to do with our initiative is provide the information to consumers, similar to what's in this bill. However, in this bill we're putting forward what we think are some reasonable compromises on exactly how those calories would be displayed.

For example, a restaurant of over 20 chains may just list beverages: pop and juice. Well, they might have 10 varieties of each in the back. That's why we're asking for some discussions about a range. For some of those you can't just put the highest range because our diet products contain zero calories. You can't put the lowest, either. We understand that. It is about transparency.

Where in some restaurants you walk up and pull your product off the shelf, we have already put the calories on the label. For our customers to have to change that when there might be 30 products in that fridge is very cumbersome.

The Chair (Mr. Grant Crack): Okay. Thank you very much.

Ms. Lisa M. Thompson: Are we done?

The Chair (Mr. Grant Crack): Yes. Thank you. Ms. Gélinas?

M^{me} France Gélinas: I want to continue down—do you figure that the way the bill is written now would not allow for different flavours of juice that are similar in calorie content to be captured under one? Is this the impression you have?

Mr. Jim Goetz: We're just here to try to make sure that that can and does happen, quite frankly.

M^{me} France Gélinas: Okay. So you're not coming with amendments where you want us to change the content of the bill. You just want to make sure that we're all on the same page, that when we go to a restaurant and a number of juices have between 100 and 120 calories, it will list a whole bunch of flavours between 100 and 120 calories. But you wouldn't put pop, zero to 250, because then that doesn't help anybody

Mr. Jim Goetz: But some of the pop does contain zero calories. Some of it may contain 250. That's a fact.

So that has to be reflected in what consumers are being legislated to look at on those menus. On behalf of our industry, we are constantly innovating to give products that are zero-calorie or somewhere in between or full calorie, and that has to be reflected. It's misleading for the consumer to either, as I stated, just list them all as full calorie when they're not, or some—

M^{me} France Gélinas: Okay, but I want to make sure—and our time is really limited, so I want to make sure. The way I understood the bill before—because I have written it eight times—is that if all of the juices that are within 10% of the calories could be listed as one, the same thing with the pop, but you would not put a pop at zero and a pop at 250 with the same—within 10% of one another is the way that the bill presently is meant to be rolled out. Are you saying that we should have it bigger than this? Like, if it's more than 10%, they could still be grouped together?

Mr. Jim Goetz: Well, there are going to be juices that will not fit within that 10%.

M^{me} France Gélinas: Then you would have to list them separately.

Mr. Jim Goetz: That could be pretty cumbersome on the menus. The fact is, it's misleading to consumers, on the juice side or the pop side, to not fully show what their calorie options are. At the same time, it is unworkable on certain menus to list all the options that might be available.

M^{me} France Gélinas: Do you have anybody in mind where it would be unworkable? The people you deal with right now: Who's going to have a hard time with this?

Mr. Jim Goetz: I'm not going to speak on behalf of our restaurant clients. I'm just stating that we have a lot of products on the market that give all consumers options on their calories, and we believe that that should be properly reflected in the information that the province is asking those clients to put forward.

M^{me} France Gélinas: Okay. This idea that if you are within 10%, you could be grouped together—that's not good enough for you?

Mr. Jim Goetz: There are lots of restaurants that might provide 30 or 40 different beverage options. So 10% on calories, given the innovation that our industry is bringing to the market, is a pretty narrow window.

The Chair (Mr. Grant Crack): Okay. Thank you very much. We appreciate it, Mr. Goetz, for you coming forward and sharing your thoughts with us this afternoon.

Mr. Walker.

Mr. Bill Walker: A point of order: Thank you very much, Mr. Chair. It has been a great day, a lot of information shared today. As such, I would like to move that the committee amend the method of proceeding on Bill 45—

The Chair (Mr. Grant Crack): I have to interject. You can't move a motion on a point of order. Do you have a specific point of order? If not—

Mr. Bill Walker: I have a motion. Sorry, maybe I used the wrong terminology. My apologies, Mr. Chair. I'll retract the point of order.

The Chair (Mr. Grant Crack): Thank you.

Mr. Bill Walker: I would ask, if I could—and I believe this motion will be shared with everyone—I move that the committee amend the method of proceeding on Bill 45, An Act to enhance public health by enacting the Healthy Menu Choices Act, 2014 and the Electronic Cigarettes Act, 2014 and by amending the Smoke-Free Ontario Act, to reflect the following:

(1) That the committee hold public hearings on Bill 45 in Toronto, at Queen's Park, on Monday, April 27 and on Wednesday, April 29, 2015, during its regular meeting times.

(2) That any additional witnesses are to be selected from the prioritized list previously supplied to the Clerk by the subcommittee members.

(3) That groups and individuals be offered five minutes for their presentations, followed by up to nine minutes for questions by committee members.

(4) That the deadline for receipt of written submissions on Bill 45 be 5 p.m. on Wednesday, April 29, 2015.

(5) That amendments to Bill 45 be filed with the Clerk of the Committee by 3 p.m. on Thursday, April 30, 2015.

(6) That the committee meet on Monday, May 4, 2015, during its regular meeting time for clause-by-clause consideration of Bill 45.

Thank you, Mr. Chair.

The Chair (Mr. Grant Crack): Mr. Walker has moved this particular motion. Is there any further discussion?

Mr. John Fraser: Yes. We will not be supporting the motion.

Mr. Bill Walker: You won't even consider having a discussion on it?

Interjections.

Mr. John Fraser: No. We've added an extra day of hearings, and we won't be supporting the motion. I'm being straight with you about it.

Mr. Bill Walker: So the health of Ontarians—you're not going to give us an extra day or two days?

Ms. Lisa M. Thompson: And we've heard that you do not consult with key—

The Chair (Mr. Grant Crack): Order, please. If this is still on the table at 6 o'clock, I have to advise the committee members—and we're almost there—that it will be discussed at the next committee meeting, which is tomorrow at 9 a.m. We already have scheduled delegations coming before us. This looks like it could be a hearty debate.

I would just like to let everyone on the committee know that I have to actually adjourn the meeting now. It is 6 o'clock. We will introduce this—

Mr. Mike Colle: Can we call the vote right now?

Interjections.

The Chair (Mr. Grant Crack): As Chair, I wouldn't call the vote anyway, because there has to be some discussion on it.

The bells have rung. It is 6 o'clock. This meeting is adjourned.

The committee adjourned at 1800.

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Also taking part / Autres participants et participantes

M^{me} France Gélinas (Nickel Belt ND)

Mr. Randy Hillier (Lanark–Frontenac–Lennox and Addington PC)

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ISSN 1180-5218

Legislative Assembly of Ontario

First Session, 41st Parliament

Assemblée législative de l'Ontario

Première session, 41^e législature

Official Report of Debates (Hansard)

Tuesday 21 April 2015

Journal des débats (Hansard)

Mardi 21 avril 2015

Standing Committee on General Government

Making Healthier Choices
Act, 2015

Comité permanent des affaires gouvernementales

Loi de 2015 pour des choix
plus sains



Chair: Grant Crack
Clerk: Sylwia Przedziecki

Président : Grant Crack
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Tuesday 21 April 2015

Mardi 21 avril 2015

*The committee met at 0900 in room 151.*MAKING HEALTHIER CHOICES
ACT, 2015
LOI DE 2015 POUR DES CHOIX
PLUS SAINS

Consideration of the following bill:

Bill 45, An Act to enhance public health by enacting the Healthy Menu Choices Act, 2015 and the Electronic Cigarettes Act, 2015 and by amending the Smoke-Free Ontario Act / Projet de loi 45, Loi visant à améliorer la santé publique par l'édiction de la Loi de 2015 pour des choix santé dans les menus et de la Loi de 2015 sur les cigarettes électroniques et la modification de la Loi favorisant un Ontario sans fumée.

The Chair (Mr. Grant Crack): Good morning, everyone. I'd like to call the meeting of the Standing Committee on General Government to order. I'd like to welcome all members of the committee, the Clerk and Hansard.

We have a special delegation with us today as observers: the National Assembly of Vietnam law committee. I'd like to extend a welcome this morning, on behalf of all the members of the committee. I hope you enjoy the proceedings here.

At the last meeting, yesterday, we had a motion that was put onto the table by Mr. Walker. Unfortunately, time had expired yesterday. Would you be interested, Mr. Walker, in reading it into the record again?

Mr. Bill Walker: Yes.

The Chair (Mr. Grant Crack): Go ahead, Mr. Walker.

Mr. Bill Walker: I move that the committee amend the method of proceeding on Bill 45, An Act to enhance public health by enacting the Healthy Menu Choices Act, 2014 and the Electronic Cigarettes Act, 2014 and by amending the Smoke-Free Ontario Act, to reflect the following:

(1) That the committee hold public hearings on Bill 45 in Toronto, at Queen's Park, on Monday, April 27, and on Wednesday, April 29, 2015, during its regular meeting times.

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(4) That the deadline for receipt of written submissions on Bill 45 be 5 p.m. on Wednesday, April 29, 2015.

(5) That amendments to Bill 45 be filed with the Clerk of the committee by 3 p.m. on Thursday, April 30, 2015.

(6) That the committee meet on Monday, May 4, 2015, during its regular meeting time, for clause-by-clause consideration of Bill 45.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Walker. I would just remind all committee members that we do have a tight schedule here, with a number of delegations ready to present, but I will ask for discussion.

Ms. Lisa M. Thompson: If I may, Chair. I think it's important that we seriously consider this motion to extend the hearings. The reality is that we had over 100 organizations that were interested in sharing deputations on Bill 45, and clearly, in the spirit of democracy, we should be giving as many organizations as possible the opportunity to exercise their voice.

I say that because I'm concerned. Yesterday afternoon, we heard a deputation from the Canadian Beverage Association, and in that deputation we heard very distinctly that proper official consultation has not been conducted with stakeholders regarding Bill 45.

Chair, I fear we have a significant trend happening here. We heard this on neonics; we heard this on climate change. They had public consultations, but, for goodness' sake, not one aspect and common thread coming out of those consultations landed in what we hear this government talking about today, with regard to climate change. Then, just yesterday, we heard that stakeholders had not been properly consulted again with regard to Bill 45.

I'm concerned about this trend. It needs to stop. A true democracy allows people an opportunity to share their opinions, so they can have an effective impact on the future of Ontario and the way it's regulated and how products in this province are sold.

I just want to go on record again, stressing that enough is enough. The lack of consultation by this government is disgraceful, and it needs to stop. I think we can all team together here today, lead by example and allow an extension of hearings.

The Chair (Mr. Grant Crack): Thank you. Ms. Gélinas.

M^{me} France G  linas: As much as I'm really anxious to see this bill go through—I have been working for seven years to bring some part of this bill to Ontario, and I certainly do want it to go through. This being said, at the same time I know that we have a number of people who have never reached out to the Legislative Assembly before. Those are people who have never come to committee before, they have never been engaged in the political process, they have never spoken to MPPs in their lives. You can see by the testimony they give that this is completely foreign to them.

Finally, we have citizen participation. They asked to talk to us. They come and do their depositions as best they can. Do I agree with everything that is said? It doesn't matter if I agree or don't. I agree that we live in a democracy, that when we put a piece of legislation forward, no matter how long I have waited for that piece of legislation to get here, I think it is important to give people a chance to be engaged in the legislative process, especially when they are people who are doing this for the first time in their lives. For them, for once, politics matters. What we do here at Queen's Park has sufficient meaning in their lives. It motivates them to actually put their names forward and come here. For those reasons, if we do have people who want to come and talk to us, I want to listen to what they have to say.

The Chair (Mr. Grant Crack): Thank you very much. Before any further discussion, I just want to point out that we do have an agenda here. We do have individuals who are looking forward to speaking. We do have to recess at 10:15 and then it's 4 p.m. the next time. If we have to delay one or two of the delegations—I'm going to ask the committee if there is unanimous consent, perhaps, so that we could move this to 5 p.m. this evening. It looks like there are some openings within the agenda at that time. I think we could, as a committee, accomplish the same thing and still hear from our delegations, but I leave it in your hands.

M^{me} France G  linas: Five is fine with me.

Ms. Lisa M. Thompson: Yes.

Mr. Mike Colle: I'd like to speak now.

The Chair (Mr. Grant Crack): You would like to speak now?

Interjections.

The Chair (Mr. Grant Crack): We have allowed one from each so I'll allow Mr. Colle.

Interjection.

Mr. Mike Colle: Yes, democracy: Everybody gets to speak, right?

Ms. Lisa M. Thompson: I was just going with the Chair.

Mr. Mike Colle: Sorry. I get to speak, too.

The Chair (Mr. Grant Crack): Mr. Colle.

Mr. Mike Colle: Anyways, the process is set out here through the House. We had a full subcommittee meeting where we discussed the times, the dates, the framework of these hearings, and who would get to speak. We do that through the subcommittee, agreed upon by the subcommittee of all three parties.

Then we came into full committee here for a full committee meeting to discuss the subcommittee report that was agreed upon. At that time, I moved a couple of amendments in full discussion to add another day to the hearings and to proceed with the extra day. That was all laid out in full committee by all three parties and agreed upon, voted upon, agreed upon. Then we proceed with the hearings and we have the delegations come forward.

Now, in the middle of the hearings, we have a motion here before us which says, "Oh, we want to change the rules again and forget what we decided upon at subcommittee or full committee hearings. We want to change the rules again on how we proceed."

This is not a beneficial way of doing things because you just can't make up the rules as you go along. It's like in the middle of a procedure you set up new rules of how you're going to do this. It's not fair to all of the people who have been trying to be part of this. It's not fair to the equity of the process by changing the rules in midstream when we agreed, as a full committee, twice already. I just do not support this changing of the rules in midstream, especially when tonight we've got another hour where we couldn't find anybody to come and speak, that's empty.

I think we should vote on this now and let the people know that these rules and procedures have been agreed upon by all three parties. Now you've got one party that wants to change the rules again. I don't think that's fair.

The Chair (Mr. Grant Crack): I've heard from each side. I think, as Chair, my responsibility is to move the business forward. We do have delegations here. I'm going to tell the committee we're going to deal with this at 5 p.m. and we'll see how things unfold at this particular time.

One last thing before we get started: Since 10 a.m. will not be scheduled because we're late, can we move forward as a committee with two minutes of questioning from each side in order to stay on schedule? Is there any opposition to that?

Mr. Bill Walker: Out of respect for the delegations, absolutely.

The Chair (Mr. Grant Crack): So that's what I will do. It will be two minutes of questioning following the delegation making its presentation.

0910

NATIONAL SMOKELESS TOBACCO CO.

The Chair (Mr. Grant Crack): So we will call right now the National Smokeless Tobacco Co., Mr. Jeremy Adams. He's director of government and corporate affairs. We'd like to welcome you. You have five minutes, followed by two minutes of questioning from each of the three parties. Thank you for your patience, sir.

Mr. Jeremy Adams: No problem. Thank you, Mr. Chair. Good morning. My name is Jeremy Adams. I'm the director of government and corporate affairs at the National Smokeless Tobacco Co.

NSTC is the Canadian distributor of smokeless tobacco products sold in Canada under the brand names of

Copenhagen and Skoal. At NSTC we pride ourselves on being a leader in responsibly providing smokeless tobacco products to adult tobacco consumers. One of our mission goals is to help reasonable tobacco regulation succeed by supporting the development and implementation of regulations that improve public health and recognize individual adult consumer preferences.

Our products are for adults only. We believe that children should not use any tobacco product and we take our responsibility seriously by supporting and participating in programs to help reduce underage use of tobacco.

Smokeless tobacco is used orally and is not smoked, and has been in Canada since at least 1913. Our products are available at approximately 3,700 retail locations in the province.

NSTC is concerned that the proposed regime under Bill 45 is not reasonable tobacco regulation and does not recognize individual adult consumer preferences. Given the extremely high price point of smokeless tobacco, a provincial prohibition on retail visibility of tobacco, low reported youth usage and the relatively small sales compared to all other tobacco products in Ontario, we believe that smokeless tobacco as a category should be exempt from the proposed ban contained in Bill 45.

It's important to understand the actual sales of smokeless tobacco in the province of Ontario when making legislative decisions affecting these products. In 2013, smokeless tobacco sales accounted for less than one third of 1% of all tobacco sold in the province. This represents approximately 1.7 million cans of smokeless tobacco compared to more than 450 million packages of cigarettes. Our products retail in Ontario for approximately \$19 per can, plus HST—almost double the price of a package of cigarettes.

Tobacco products come in a wide range of flavour varieties, some of which have a distinguishable flavour or aroma other than tobacco. Such varieties are not new; some flavours of smokeless tobacco, including peach and apple-flavoured snuff, have patents that date back to the 1800s.

Recently, some in the public health community have expressed concern that tobacco products with flavours other than tobacco may appeal to youth. NSTC believes that the prohibition of smokeless tobacco products with flavours other than tobacco is not an effective way to address the issue of underage tobacco use and is unfair to adult tobacco consumers who prefer such varieties. NSTC also believes that any regulation of flavoured tobacco should take into account the history of flavours within each category.

In 2009, the federal government introduced Bill C-32 which banned the sale of flavoured cigarettes, cigarillos and blunt wraps, establishing a common standard across all provinces. Appropriately, the federal legislation does not ban the sale of flavoured smokeless tobacco, a segment that simply has not shown itself to be of significant youth appeal.

The Canadian Tobacco, Alcohol and Drugs Survey, or CTADS, reports that in 2013, 1% of Canadian youth 15

to 19 reported past-30-day use of smokeless tobacco products. These rates remain unchanged from 1999.

I would offer for consideration the following specific comments regarding schedule 2 of Bill 45:

First, in considering exemptions for the ban on the sale of flavoured tobacco products, the government should refer to factual data contained in the CTADS. This data has consistently demonstrated a low prevalence of past-30-day use of smokeless tobacco among all Canadians.

Second, under section 9 of schedule 2 of Bill 45, the Smoke-Free Ontario Act is amended to include the regulatory authority to define a “flavouring agent.” In this regard, any regulations developed by the government must consider the manufacture of smokeless tobacco products. This manufacturing is unique and distinct from many other tobacco products. Specifically, it must be recognized that the use of flavour additives in a smokeless tobacco product does not necessarily mean that the product is flavoured.

Failing to recognize the unique attributes of tobacco products with respect to flavouring agents could have the unintended consequence of prohibiting products that have a dominant flavour of tobacco but which contain ingredients that individually might be defined as a flavouring agent though those ingredients do not result in a characterizing flavour.

Finally, there has been some discussion regarding a delayed ban for menthol. Menthol is a flavour used in smoked tobacco products. If the government is considering any exemption for menthol, then NSTC requests that this exemption is clarified to extend to the comparable flavours of mint, wintergreen and spearmint in the smokeless tobacco category, varieties which have been on the market in Canada since at least 1950.

NSTC believes the proposed flavoured tobacco ban is unfair to adult tobacco consumers and unfair to the retailers who sell those products. Product bans hurt law-abiding businesses and create incentives for criminals to engage in illicit activity. The implementation of the ban outlined in Bill 45 could result in millions of dollars in annual retail sales disappearing from the legitimate tobacco retail market in Ontario. We do not believe that is sound public policy. It is the government's responsibility to make policy decisions that deter, not encourage, illicit activity.

Thank you, Mr. Chair.

The Chair (Mr. Grant Crack): Very well done, sir—right on. Thank you very much. We'll begin with Mr. Walker.

Mr. Bill Walker: Thank you very much, Jeremy, for your deputation. Can you just expand a little bit on your categorical exemption in number 1?

Mr. Jeremy Adams: Yes, thank you, Mr. Walker. What we're suggesting is that it would be appropriate for the government to look at different categories differently. So for example, you could exempt certain flavours in one category but permit those flavours in another category.

What we've suggested is that the government should have an entire class of products that is exempt by

regulation. Manitoba passed a flavour ban bill last June, Bill 52. That legislation actually specified specific categories of products that were not covered by the ban. Those included pipe tobacco, chewing tobacco and snuff and any menthol tobacco product.

Mr. Bill Walker: Number 4, your proposed date, I trust, is from the perspective that people have a large inventory of a lot of product so this is going to be very much a hit to their bottom line.

Mr. Jeremy Adams: Yes. Some deputants yesterday suggested that this should be immediate. There was reference made to Nova Scotia, which has a bill that's scheduled to come in effect on May 31. I would say that individuals who proposed that really don't understand the retail industry in this province.

When you look specifically at the other tobacco products category, which includes products like ours, these are not high-volume products for retailers. Retailers could be sitting on three to four months of inventory in the case of our product, which is a freshness product. In the case of some other products, they could have inventories up to a year.

Then you have wholesale before that. When you walk in a convenience store, it hasn't just appeared on the shelf. Similarly, you can't just have it disappear from the shelf. There's a whole infrastructure that gets that product to market. Wholesalers could have three to four to six months of inventory of products. So when you look at the entire supply chain, it's important that you understand the impacts on businesses before determining a date that is just pulled out of the air, for example.

Mr. Bill Walker: Finally, I think there are a lot of misnomers out there in regard to the health status of the products that you're specifically representing. Can you just give us a bit of your side of that equation?

Mr. Jeremy Adams: First of all, we don't make any health claims about our products whatsoever. We suggest that any tobacco consumer should be guided by public health officials in decisions and making any choices about what products they want to use. Health Canada has specified four specific warning labels for our products. They determined that tobacco products, including smokeless tobacco, are addictive and cause serious disease. That being said, there is a consensus in the public health community, the medical community and the scientific community that the use of non-combustible tobacco products is considerably less harmful than the use of combustible tobacco products.

The Chair (Mr. Grant Crack): Thank you very much—appreciate it. Ms. Gélinas?

M^{me} France Gélinas: Thank you for coming, Mr. Adams. My first question is, do you know how much switching back and forth happens between people who chew and people who smoke? Is there a percentage who do both? Is one a gateway to the other, or the other a gateway to the first?

Mr. Jeremy Adams: I'm not familiar with any research that has been done in Canada on that specific issue. Certainly, we haven't done any research on that

issue either. Health Canada does track some data on cigarette smoking, but it's very limited in what they get into in terms of what you call dual usage, which is switching between products.

There has been a tremendous amount of research done in the European Union around smokeless tobacco, and that research has demonstrated fundamentally in Sweden that there is no gateway between smokeless tobacco products and cigarette smoking.

M^{me} France Gélinas: Okay. Specifically on flavour, I come from northern Ontario, and I get to know the different flavours by playing baseball. You go down the bench, and you look at all the different flavours of chews. Every summer, there are new flavours coming out. How many flavours does your company presently offer?

Mr. Jeremy Adams: First of all, it's not true that there are new flavours coming out every summer. We haven't launched a new flavour in a considerable period of time. We offer five fruit-flavoured products, and then we have a variety of products in what I call the mint, wintergreen and spearmint varieties of tobacco products.

Just to give you a sense of perspective of the business here, let's look at a product like cherry smokeless tobacco, which many people have used as a sort of fire starter for the issue of tobacco use and flavoured tobacco. If you look at where we're sold in the province—Mr. Bryans, from the convenience stores association, yesterday talked about more than 7,000 retail locations in Ontario. We're in about half of those stores. The stores where we sell, if all those stores sold cherry tobacco, you're looking at less than one can per store every two weeks—less than one can per store every two weeks.

M^{me} France Gélinas: What kind of a markup does the retailer put on chew tobacco?

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Mr. Jeremy Adams: Well, the biggest markup comes from the government, first of all, which is taxes. This is a very heavily taxed product. If we look at the case of our products in Ontario, there's \$6.50 of federal excise tax. There's almost \$5 of Ontario's tobacco tax. Then, of course, there's tax on tax, which is the sales tax, which is about \$2.50. So we're looking at \$13, \$14 in tax on a product.

The rest of the pie on what I suggested is a \$19 price is what it costs to make the product, what it costs to ship the product, what it costs for the distributor to get the product to the retailer and then what the retailer sells the product for.

The Chair (Mr. Grant Crack): Thank you very much. We'll move to the government side. Ms. Hoggarth.

Ms. Ann Hoggarth: Good morning. Thank you for your presentation. As a former educator, I'm very adamant about this subject. I don't want any products getting into the hands of youth. I may seem not to be very pleasant, but this is something that upsets me greatly. As a matter of fact, on Sunday I saw two young teenagers, about 13 and 14, get someone to go in, buy them tobacco products and come back out. I did confront them. I tried

to catch the gentleman who bought it for them and I would have called the police on him, had I met him.

Help me out here. Smokeless tobacco is chewing tobacco, correct?

Mr. Jeremy Adams: Correct.

Ms. Ann Hoggarth: Okay. Well, smokeless tobacco is highly addictive. All the research shows that it causes mouth disease, can cause cancer and is not a safe alternative to cigarettes. The research says that it is not less harmful than other products.

You're required to carry those warnings on every one of your products. Do you think it is acceptable that more than 15,000 young Ontarians are using this product in a given 30-day period? I don't.

Mr. Jeremy Adams: Well, I don't know where you got that number from in terms of the 15,000. I've certainly not seen that number. The data we look to is the data published by Statistics Canada, the Canadian Tobacco, Alcohol and Drugs Survey. It's one of the most comprehensive Statistics Canada waves that's done in this country. That data shows that less than 1% of people use this product across the country, period. To extrapolate some of those numbers—I'm not sure where those are coming from.

Moreover, when you look at the actual sales volume, as I mentioned to Madame Gélinas, this product represents less than one third of 1% of all tobacco that's sold in the province of Ontario; 99.7% of tobacco is something other than smokeless tobacco products.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Adams. We appreciate you coming before committee.

Mr. Jeremy Adams: Thank you for your time.

The Chair (Mr. Grant Crack): You're quite welcome, sir.

Is Mr. Stephen Goetz here, by chance?

I just want to remind everyone also that there is an overflow room in committee room 2.

BIG TOBACCO LIES

The Chair (Mr. Grant Crack): Mr. Goetz has not arrived yet, but I believe we have representation from the Big Tobacco Lies campaign ready to go.

Welcome. If you'd be so kind as to introduce yourselves. You have five minutes to make your presentation, followed by two minutes of questioning from the three parties.

Mr. Kalaisan Kalaichelvan: Perfect. Good morning. My name is Kalaisan.

Ms. Shadi Mousavi Nia: And my name is Shadi Mousavi Nia.

Mr. Kalaisan Kalaichelvan: We are youth advocates with the Canadian Cancer Society's Big Tobacco Lies campaign. Big Tobacco Lies is a youth-led awareness and advocacy campaign created by youth from across Ontario. Our campaign aims to expose the manipulative tactics used by the tobacco industry to recruit new smokers. One of these tactics is flavoured tobacco.

We developed our campaign in early 2014 with support from the Canadian Cancer Society. Our campaign is led by 15 youth leaders from across the province and supported by over 60 student ambassadors. We host events at our schools and in our communities to raise awareness with students about the dangers of flavoured tobacco and rally their support to help #endtheflavour.

Last year alone, we delivered over 3,400 signatures of support to MPPs. We hosted six day-of-action rallies across the province last spring and then brought our voice and support here to Queen's Park this past fall. We held a tug-of-war demonstration on Queen's Park grounds, where we involved several MPPs in helping to pull down flavoured tobacco. We personally delivered over 2,500 postcards of support that day and had meetings with 10 MPPs.

We also had the opportunity to speak at MPP France Gélinas's press conference where she announced her private member's bill which, if passed, would ban flavoured tobacco products, including menthol, in Ontario.

Bill 45 was introduced by Associate Minister of Health Dipika Damerla less than a week after our day of action here at Queen's Park. We are very passionate about this issue and are very proud of what we've achieved in our campaign so far.

Ms. Shadi Mousavi Nia: There is definitely no doubt that the use of flavoured tobacco products is an important issue among today's youth. Half of high school students in Canada who have reported smoking use flavoured tobacco products that taste like strawberry, chocolate, vanilla and other flavours. These products aim to mask tobacco's harsh taste and are packaged to look, smell and taste like candy. This creates a false perception that these products are less harmful and they encourage youth experimentation.

I can confidently say that at almost all high schools across the region, including my own high school back in Richmond Hill, there is a smokers' corner. Walking by this corner every day when I was in high school and watching my peers use tobacco, including menthol, motivated me to take action. Menthol has always been a popular flavour among youth smokers, and that is no surprise, as more than 19,000 Ontario youth smoke menthol cigarettes.

We urge you to resist the pressure from big tobacco and not delay implementing Bill 45 any longer. The ban on menthol needs to come at the same time as flavoured tobacco. Since flavoured tobacco products target youth and over 90% of smokers start to smoke before the age of 18, this ban will help prevent my peers from becoming the next generation of smokers.

Mr. Kalaisan Kalaichelvan: Like Shadi, my own high school back in Markham had a smokers' corner, and I've witnessed many of my peers use flavoured and menthol tobacco products. The fact of the matter is that youth is a key target demographic for big tobacco, and flavoured tobacco is one of their primary means of accessing this market.

Flavours reduce the harshness of cigarette smoke for youth, allowing them to get addicted more easily and, as

many smokers will tell you, the earlier the onset of addiction, the more difficult it is to quit in the future. In the last 30 days, more than 57,000 youth reported using flavoured tobacco products. This has been a concerning sign for not only myself, but my peers and colleagues at my school at McMaster University in Hamilton. There we have an incredibly supportive community, who, from experiences of their own and those of their peers, understand how compelled they felt to smoke due to youth-friendly packaging and a sense of normalization that has come with this behavior. They've shared with me their regrets, and the difficulties and consequences that have come with these decisions.

Over the last year, this community has been signing postcards, reaching out to our government and educating the public to show vocal support for Bill 45, which is the most comprehensive piece of tobacco control legislation since the Smoke-Free Ontario Act of 2006. On behalf of this community, the Canadian Cancer Society and supporters across the province, we implore you to take this next step with us in helping the youth of Ontario make more informed decisions about their health and the future.

Ms. Shadi Mousavi Nia: Volunteering with the Canadian Cancer Society's Big Tobacco Lies campaign is very important to us because we want to help the society create a world where no Canadian fears cancer. Like Kalaisan, I am tired of witnessing cancer ruin lives. It is time that we work together to stop this disease. We have the power to work together to eradicate cancer and make it history.

I would just ask you guys to please pass Bill 45 and help our future—a future free of my peers becoming tempted by flavoured tobacco.

We would like to thank you for your time, and if you guys have any questions.

The Chair (Mr. Grant Crack): Thank you very much. Good job. Ms. Gélinas?

M^{me} France Gélinas: Great job, great job. Thank you so much for coming, Kalaisan, and thank you, Shadi. My first question I have for you is—you've addressed this a bit—can you think of any valid reason why we should delay the ban on menthol?

Ms. Shadi Mousavi Nia: I would say that, for me, it does not make any sense that a flavour that numbs a smoker to tobacco's harsh consequences and its health effects would not be incorporated. It's still a flavour. It encourages youth and it's an appeal to youth. I do not see a reason for why it should not be implemented.

M^{me} France Gélinas: Of all the work that you have done, are you convinced that youth do use menthol?

Ms. Shadi Mousavi Nia: Of course.

Mr. Kalaisan Kalaichelvan: Yes. Menthol is, I believe, a key gateway product to long-term smoking. Like we've mentioned before and touched upon, menthol reduces the harshness of cigarettes. A lot of incoming youth are using these products. While they don't realize it now, this is something that will set them on a path that will be difficult to leave and this is how long-term

smokers are created. So it is a concerning and pressing issue.

M^{me} France Gélinas: You were there when the previous speaker was there. Do you feel that chew tobacco should be excluded from the flavour ban?

Ms. Shadi Mousavi Nia: Sorry, chewing tobacco?

M^{me} France Gélinas: Yes. Chewing tobacco also comes in different flavours. They were asking that chewing tobacco be excluded from the ban, that we would only ban flavours in smoking tobacco, not in chewing tobacco.

0930

Ms. Shadi Mousavi Nia: Of course not. As I told you, back in my own high school, in the smokers' corner that I mentioned, I know people who use that product. If we have the power to remove a product that causes cancer and encourages youth to experiment with tobacco, then we should definitely include it in the ban.

The Chair (Mr. Grant Crack): Thank you very much. Time is up. We'll move to the government. Ms. Kiwala.

Ms. Sophie Kiwala: Thank you very much. I'm really inspired by your deputation. I think you've both done an absolutely fantastic job. It's really encouraging to see youth taking part in this process and being so committed to better health for youth in general.

I wanted to make a couple of points about this bill that I know you're familiar with. We also believe that flavoured tobacco is a gateway to regular tobacco use. I started smoking when I was quite young. I started with menthol. We discovered yesterday that three out of the three of us on this side had the same circumstance. I think there's a fair bit of evidence to suggest that that's the case.

We've heard from many witnesses—you've probably been following what has been happening—including some from the tobacco industry, that Bill 45 will push young smokers to contraband tobacco, and it won't help anyone to quit. Do you believe that that's the case?

Mr. Kalaisan Kalaichelvan: Not at all. Like you mentioned, it's important that we're not here to force students or youth to quit smoking. We're trying to help them make more informed decisions. The fact that there are products out there that are packaged similarly to the candy we would give to 10-year-old children is a concerning issue. It's not helping that idea of informing youth about the decisions they're about to make.

We really feel that this bill is an essential component to making sure that students understand all the consequences that come with the choices they make and trying to encourage them to make healthier choices in their lifestyle.

The Chair (Mr. Grant Crack): Thank you very much—appreciate that. We'll move to Mr. Walker, from the official opposition.

Mr. Bill Walker: Thank you very much for your presentation. A couple of things I noted weren't in your presentation, and I'd just like to get a bit of feedback on them, from your perspective. Would you support actually

putting legislation in place that would make it illegal to possess tobacco as a youth? Why has that not been included in your deputation?

Ms. Shadi Mousavi Nia: To legalize the possession of flavoured tobacco?

Mr. Bill Walker: To make it illegal for youth to have. There's nothing in legislation that even addresses that. Alcohol, you can't have, but someone on a high school yard or a public school yard can actually possess tobacco. To me, that would be a huge deterrent, but there's nothing in your presentation. In many of the submissions that have been made, there has been no talk of that. There's nothing in the legislation. Would you support that as an amendment?

Mr. Kalaisan Kalaichelvan: Our current stance, what we've been trying to do with our campaign, is focusing on components at a time, and this has been our focus for the year. We really feel that this is what we've been trying to tackle, and it has been a realistic goal for us.

Personally, this is something that, I think, is up for debate in the future, but at the current time we are aiming for banning flavoured tobacco.

Mr. Bill Walker: And what about contraband? Again, there's nothing in your presentation about it. I have two youth, young gentlemen, sons of mine. When I talk to them about this, a lot of the starting of smoking actually has got nothing to do with flavoured tobacco; it's all about contraband tobacco. Again, there's nothing in your presentation. Can you share with me why that's not an area of focus?

Ms. Shadi Mousavi Nia: Our campaign is heavily focused on flavoured tobacco products. It's one of the main issues that we are focusing on right now. But that is for sure a topic of debate, as Kalaisan mentioned, in the future. That would be a step, perhaps, in the near future.

Mr. Bill Walker: Have you done any studies of the actual volume of flavoured tobacco versus contraband at the schools that you have surveyed?

Mr. Kalaisan Kalaichelvan: In terms of contraband, we have not conducted as much study on that. Again, our campaign is aimed at targeting different facets of what is a very complicated issue.

When we set out our campaign this year, it has been aiming at flavoured tobacco specifically. That's what we've been pushing for in trying to figure out the most realistic and approachable way to take this off the shelves. Again, we're not here to tell you to take all tobacco off the shelves, but this is how we work, and we haven't done as much study yet as I know of—

The Chair (Mr. Grant Crack): Mr. Walker.

Mr. Bill Walker: We certainly appreciate that side of things. I'm just saying those are the two areas in my backyard that are much more prevalent than the flavoured, so it was interesting to understand why you went there as opposed to the other two—

The Chair (Mr. Grant Crack): Thank you, Mr. Walker. I'd like to thank both of you for coming before committee this morning. You did a great job.

Mr. Kalaisan Kalaichelvan: Thank you.

Ms. Shadi Mousavi Nia: Thank you.

DEPARTMENT OF NUTRITIONAL SCIENCES, UNIVERSITY OF TORONTO

The Chair (Mr. Grant Crack): Is Mr. Stephen Goetz here? I believe not, so we shall move to the Department of Nutritional Sciences, University of Toronto. Welcome. I'll allow you to introduce yourself, if that would be fine, so I don't mispronounce your name. The floor is yours. You have five minutes, followed by two minutes of questioning from each party.

Ms. Mary Scourboutakos: Thank you. All right, good morning. My name is Mary Scourboutakos. I'm a PhD candidate from the University of Toronto and I do research on the restaurant food supply and menu labelling. I'm here today to speak with you about sodium, which really is the missing nutrient from Bill 45.

At the University of Toronto, we did a national survey of 3,000 Canadians and we asked them, "What nutrition information do you want to see on restaurant menus?" And 71% of the consumers in our survey said that they wanted to see sodium on restaurant menus.

Furthermore, we found that when we gave consumers menus with sodium and they used that information to influence their choice, the sodium content of their meal was decreased by 900 milligrams. That is a very significant decrease and that is not insubstantial.

The take-home message from this research really is that consumers want to see sodium information on restaurant menus. Furthermore, we have evidence demonstrating that having sodium information present would benefit consumers.

At the University of Toronto, we've also created a giant database of Canadian chain restaurant foods—all the ones that you can see in this slide. We've used this database to analyze a number of different nutrient levels in the restaurant food supply. Particularly, we've looked at sodium. We found that 85% of sit-down restaurant meals contain more than the daily recommended amount of sodium.

When we published this data back in 2010, the industry's response was that they had gotten better. This motivated us to re-collect our data and indeed see what improvements had been made. What did we find? Well, we found that over that three-year period, the number of foods containing more than a day's worth of sodium did not change. In fact, when you look at changes, we see that 54% of foods stayed the same; 30% decreased, albeit marginally; and 16% of foods increased over this three-year period, to our surprise.

The take-home message here really is that sodium levels in restaurant foods continue to be unacceptably high.

I think the rationale for sodium labelling is pretty clear. We see data that it will help consumers to make informed choices. But the second point—and I think this is actually the more important point that's often overlooked—is the fact that sodium labelling will motivate

restaurants to decrease sodium levels in their foods. We've seen evidence of this in the United States in King county, Washington, which is a district that has implemented not only calorie labelling, but also sodium labelling. They found that after the implementation of their menu labelling bill, the sodium levels in the entrees being offered in their city actually decreased as a result of this policy.

As I begin to wrap up, I'd just like to review a few of the key points. What single nutrient kills 1.56 million people each year? That nutrient is sodium. What nutrient do 80% of Canadian men and 60% to 80% of Canadian women overconsume? Sodium. Some 85% of restaurant meals contain more than a day's worth of which nutrient? Sodium. What nutrient level got worse in 16% of restaurant foods over the last three years? Sodium. Finally, what nutrient do 71% of Canadians want to see on restaurant menus? Again, the answer is sodium.

To conclude, I have a little game. Everyone in the room can participate. I'm showing you here three typical menu items that you can get at a popular chain that's located across Canada. If I ask you to guess which you think has the most sodium, which would you think it is? You can raise your hand.

Who thinks it's the large hot chocolate? Anybody? One?

Who thinks it's the strawberry muffin? Any takers? Okay.

Finally, who thinks it's the English muffin with cheese and eggs? A few. A lot of people not voting; that's okay. Let's see.

In fact, the large hot chocolate is the highest-sodium item in this collection.

I think this really illustrates the point that when you're dining out, you have no idea how much sodium is in the potential meal items that you could be ordering. This is why sodium labelling is so important and this is why Bill 45 should include mandatory sodium labelling on restaurant menus.

0940

Thank you for your time and for the privilege of allowing me to address you today. I'm happy to answer questions.

The Chair (Mr. Grant Crack): Thank you very much. I appreciate that. We'll start with the government side. Mr. Thibeault?

Mr. Glenn Thibeault: Thank you, Chair, and thank you for your presentation. Like the Chair, I'm not going to attempt to say your last name because—it's Scourboutakos?

Ms. Mary Scourboutakos: Scourboutakos. Easier than—

Mr. Glenn Thibeault: Thank you for that.

You've talked a lot about, obviously, sodium in your presentation. The bill talks a lot about menu labelling as well. I think one of the important aspects that maybe you could touch on is healthy weight and the importance—especially with you talking a lot about restaurants and

fast foods—when it comes to children and childhood obesity. Maybe you could speak to some of that as well.

Ms. Mary Scourboutakos: Absolutely. As a matter of fact, sodium is an indirect contributor to unhealthy weights because we know that when you eat a high-salt meal, what happens? We get thirsty. When you're in a restaurant, often the beverages that are accompanying your meal are sugar-sweetened beverages. So in fact, salty food is propagating obesity by making us more thirsty. If we're satisfying our thirst with sugar-sweetened beverages, that issue is becoming worse.

Mr. Glenn Thibeault: I think part of your presentation was that the drinks, as well, are high in sodium. If you could clarify that for me as well.

Ms. Mary Scourboutakos: There are a number of beverages where you would find sodium. In a typical can of pop you're just getting, maybe, less than 100 milligrams. That's not a huge amount, but in things like chocolate milk, and, as we've learned, in things like hot chocolate, you could be getting a third of a day's worth of sodium.

Mr. Glenn Thibeault: Excellent. Do you think then that menu labelling is an effective way to influence consumer choice towards healthier choices?

Ms. Mary Scourboutakos: Our research has demonstrated that, in fact, it can have an influence. As I said in the presentation, it's not just influencing consumer choices but motivating the restaurants to reformulate. We see evidence of this in the US and I think this would give restaurants the incentive that they need to lower sodium and calorie levels in their foods.

Mr. Glenn Thibeault: How much time, Chair?

The Chair (Mr. Grant Crack): Three seconds.

Mr. Glenn Thibeault: Thank you very much for your presentation.

The Chair (Mr. Grant Crack): Thank you, Mr. Thibeault. Mr. Walker?

Mr. Bill Walker: Thank you very much, Mary. You know, it's very interesting: One of the things that I was hoping to see in this bill when I saw the title come out was that there would be an area on physical activity, because I think that's huge. If we're going to actually make people healthier or help people be healthier, that's a key component.

The other thing that I find very interesting is that your stats were pretty compelling, with 71% of the population saying that's the one stat they want on there. You did a lot of this research back in 2010 so there's no reason why it couldn't have been incorporated. That suggests that sodium is a big issue.

Can you just expand a little on why you think that may not have made it? Were you given the opportunity? Did you make a submission? Were you able to consult with the government before this legislation came out? I'm struggling with why it would be left out of this bill, if this is such a big issue.

Ms. Mary Scourboutakos: A great point. We actually did a lot of work with Toronto Public Health. As you know, a few years ago their board of health put forward a

menu labelling proposition. They were the ones who put pressure, I believe, on the Ontario government, saying that if Ontario didn't move forward, Toronto Public Health was going to move forward. Toronto Public Health was very clear in their recommendation and it was based on our research. They said, "You need to put calories and sodium information on that menu."

We've also been in discussions with MPP France Gélinas, who has been an advocate for high-sodium warning labels, so we have been involved in the process, definitely.

We always make our research very widely available. It's been covered substantially by the press, so I think the information is out there and people are widely aware of it. I'm not sure why the Liberal government chose not to include sodium as part of this bill.

Mr. Bill Walker: Certainly I struggle with that as well, when it's as compelling as you've made—a great presentation. I think everyone knows or at least basically understands the impacts of sodium, particularly if a health unit has gone to that extent. You've done the research. It's there; you presented it.

Were either you or your department directly able to have engagement with the Liberal government on this discussion or did they ever approach you on it? It's one thing to have it all out there in the public domain but did they actually—you know, if they'd read this, you would have thought they would have come and said, "Hey, tell us a bit more about this. We probably need to make sense of this."

Ms. Mary Scourboutakos: We have met with the Ministry of Health. In the past, we exchanged many email communications with them and they inquire about our work.

We have also prepared a letter to the minister about the lack of sodium as part of that bill, so I think we have made it very clear to them. We've presented this data at the ministry.

Mr. Bill Walker: And they still chose to not put it in.

The Chair (Mr. Grant Crack): Thank you very much. Ms. Gélinas?

M^{me} France Gélinas: I'm an easy sell. I want sodium to be included in this bill. I want an amendment that would mandate sodium to be on menu labelling. Do you know of any jurisdictions where you have sodium included on the menu?

Ms. Mary Scourboutakos: Absolutely. In King county, Washington, which is the jurisdiction I mentioned in my presentation, they mandate calorie and sodium labelling—and fat and carbohydrate labelling, for other reasons which we won't get into. As I said, they have seen very positive decreases in the food supply. As well, I believe Philadelphia also has sodium labelling, so it's something that's happening and being discussed, as well.

M^{me} France Gélinas: And those are the same types of restaurants that work on both sides of the border, so you would catch the big chains which do business there. They have been able to modify their menus. How cumbersome

was it? Is this something that you need binoculars to be able to get that information when you order your food?

Ms. Mary Scourboutakos: Generally, the legislation tends to have the information in the same font as the price, so it's up there, you can see it and it's pretty noticeable.

M^{me} France Gélinas: Okay. So the restaurants south of the border are able to get that information on the menu. Can you think of any reason why they would not be able to do that once they reach Ontario?

Ms. Mary Scourboutakos: There's no clear reason. All that information is publicly available online on their websites; it's just a matter of putting it up on their menu boards. As we know, menu boards these days are digital, so I imagine that could be done overnight.

M^{me} France Gélinas: Yes.

The Chair (Mr. Grant Crack): Okay. Thank you very much, Ms. Scourboutakos.

Ms. Mary Scourboutakos: Thank you.

The Chair (Mr. Grant Crack): We appreciate you coming forward and providing us with very interesting information.

CENTRE FOR SCIENCE IN THE PUBLIC INTEREST

The Chair (Mr. Grant Crack): Once again, would Mr. Stephen Goetz be here? I believe not, so we shall move to the Centre for Science in the Public Interest. I believe we have Mr. Bill Jeffery, national coordinator, with us. Mr. Jeffery, welcome. You have five minutes.

Mr. Bill Jeffery: Thank you very much, Mr. Chair. The Centre for Science in the Public Interest is a non-profit health advocacy organization specializing in nutrition and food issues. We are independently funded. We accept no funding from industry or government. We have a very successful newsletter, the Nutrition Action Healthletter; about 100,000 Canadians subscribe to it, and there's a copy of a recent issue in your briefing folder.

We support calorie labelling, but, like the previous witness, we believe that the failure to require sodium disclosure is an important mistake. Elevated blood pressure is identified by the World Health Organization as the leading cause of death in the world, and sodium plays a large role in that.

Various estimates peg the death toll attributable to excess sodium in the Canadian food supply as between 10,000 and 16,000 deaths per year, and the World Health Organization estimates that between four million and 8.5 million deaths could be prevented by effectively reducing sodium in the food supply. In Ontario, because we have a public health care system and because the provincial government pays for quite a lot of antihypertensive medication, a lot of the cost is borne by the provincial government.

We joined about 40 groups and experts in a joint statement calling for sodium and calorie labelling on restaurant menus. You have a list of the signatories to that

statement in your briefing folder, but they include the Childhood Obesity Foundation, the Canadian Nurses Association, Dietitians of Canada and the College of Family Physicians of Canada.

At least a couple of the industry witnesses have indicated that there's a lot of disagreement in the scientific community about the benefits of sodium reduction, but they've only cited one study. I would just like to underscore that there may be some difference of opinion about minor details in this, but the vast majority of scientists believe that we really have to dramatically reduce our sodium intake.

Health Canada says that Canadians consume about 3,400 milligrams of sodium per day, which is about double what we need. Sodium reduction is an important part of healthy living, and the federal and provincial governments have been working toward supporting Canadians in their sodium reduction efforts.

In 2010, the federal Minister of Health's Sodium Working Group unanimously recommended that, in part, applicable provincial recommendations be amended to require on-site disclosure of nutrition information—the text indicates mostly calories and sodium—in a consistent and readily accessible manner. I would note that one of your previous witnesses, from Restaurants Canada, was a member of the task force that made that unanimous recommendation.

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When Premier Wynne was co-chair of the Council of the Federation, Premiers endorsed the interim goal to reduce average sodium intake from 3,400 milligrams per day to 2,300 milligrams per day by 2016. When Deputy Premier Matthews was Minister of Health, provincial and territorial ministers of health called for regulations to be developed in case timely voluntary sodium reduction efforts were not achieved.

I've included in my briefing folder a letter I sent to Minister Damerla specifying some clause-by-clause amendments to the bill. I won't get into the details of that but I will just say generally that the bill would be dramatically improved by mandating the disclosure of sodium levels and, importantly, a footnote on menus giving age-appropriate daily sodium intake advice. That's particularly important, I guess, because a lot of the animus for this bill came from concerns about the health of children. Dietary recommendations are substantially different for children, particularly in the four- to eight-year range.

There are a number of reasons why sodium labelling is important, not least of which is that sodium varies much more widely than calories do in restaurant menu items and it's very easy to change without the customers knowing. You could add a teaspoon of sodium to a menu item and transform it from a healthy dish to a very unhealthy dish, as an example.

There's also evidence to indicate that adding that kind of benchmarking information, like indicating the daily recommendation for sodium intake, does actually make menu labelling substantially more useful.

I'm happy to talk a little bit more about section 5 of the bill, which would prevent municipal health author-

ities from requiring sodium information or other nutrition information. I am concerned that it might stifle public health innovation and—

The Chair (Mr. Grant Crack): Thank you very much; I apologize.

Mr. Bill Jeffery: Sure.

The Chair (Mr. Grant Crack): We'll move to Ms. Gélinas to commence.

M^{me} France Gélinas: I think it's they who are to commence.

The Chair (Mr. Grant Crack): The PCs started; NDP, Liberal. Then I go, for the next round, NDP, Liberal—

M^{me} France Gélinas: Okay. It's a pleasure to see you, Bill. Thank you for coming this morning.

The arguments that I'm given for not moving ahead with sodium labelling right away seem to be that it would be too big of a change. Looking at other jurisdictions that have managed that change, can you explain to us the magnitude of the change for a restaurant chain to add sodium when they will be adding calories? Adding calories is in the bill; they will have to do that. We're asking them to also put sodium. How big of a change is it for those restaurants to do?

Mr. Bill Jeffery: Quite simply, it's more efficient for them to add two nutrients at the same time than to do them piecemeal. I know there was some talk about requiring sodium at some specific point in the future, but my sense is that the real problem is that restaurants don't want customers to find out how much sodium is in their food because they would have to reformulate, and reformulating takes some time. I think, frankly, that if you have a business model that is based on not being upfront with your customers, then it's a problem, especially when it's about such an important public health issue.

M^{me} France Gélinas: So is this a good enough argument not to do it?

Mr. Bill Jeffery: With 10,000 to 16,000 people dying from excess sodium in the food supply, and when we've had nutrition information on prepackaged foods for a decade and a half, it's amazing to me why the government and industry are so stingy with the information they're prepared to disclose on menus at restaurants. There have been 13 nutrients plus calories on prepackaged food labels for a decade and a half.

M^{me} France Gélinas: And your preference would be to have the exact amount of sodium in milligrams put? You would have the item, the price, the calories and the amount of sodium, or just a flag for high or low sodium?

Mr. Bill Jeffery: Both approaches have merits. I think it's fair enough for foods that have very low amounts of sodium to just be exempted from disclosing it so we don't have a bunch of unnecessary zeros on the menu, or very low amounts. But either has a useful application, I think. If the commitment to report sodium is in the bill, and the regulations specify the manner of reporting it, we could discuss it in greater detail later.

The Chair (Mr. Grant Crack): Thank you very much. We appreciate it. We'll move to the government side. Ms. Hoggarth.

Ms. Ann Hoggarth: Good morning. Thank you for your presentation. I was interested to see that my cheeseburger isn't the worst choice I could make.

Mr. Bill Jeffery: Far from it.

Ms. Ann Hoggarth: And I do eat out a lot. I'm very concerned, as a former educator, about the health of our young people, the increasing obesity and problems related to it.

I do believe that this bill has some flexibility and very clearly states that at another time, additional nutrients will be considered. I don't know when that timeline is; I'll be honest with you. I'm hoping that that will happen very soon, but I don't know. I do think it is flexible, though, and the process of the bill—we have to have amendments and discussions, and there are good reasons for not putting it in at this time.

On the other hand, I'd like to ask you: Is menu labelling an effective way to influence consumer choices?

Mr. Bill Jeffery: It is an effective way to influence consumer choices because you can't make a choice if you don't have the information upon which the choice is to be based. That's why it's so particularly important to add the sodium information.

In my view, the public policy case for requiring sodium labelling is stronger than calorie labelling partly because products vary so widely in the amount of sodium and it's so easy to change by adding more. So I'm flummoxed, frankly. The 40 groups that signed onto our joint statement—some of them are sodium experts and hypertension experts in the world and not just in Canada, and they think it's important to do this. The World Health Organization recommendations, Health Canada's recommendations—it seems that there was a collaboration between the federal government and the provincial government about taking some action, but we haven't seen any real steps taken in the past five years.

Ms. Ann Hoggarth: And you do know—

The Chair (Mr. Grant Crack): Thank you very much.

Ms. Ann Hoggarth: Oh, sorry.

The Chair (Mr. Grant Crack): I apologize. The time is up.

We'll go to Mr. Walker.

Mr. Bill Walker: Thank you very much, Mr. Jeffery—very interesting, particularly with regards to the speaker just before you talking about sodium as well. Now, seeing in your information that Premier Wynne endorsed and former Health Minister Matthews endorsed the need for sodium information to be there and yet it's not in this bill, I can't fathom why that would be the case. I think it reinforces—I don't know if you were here earlier, but I put a motion on the table to extend the actual public input.

This is one that we hadn't heard until today about, sodium. It has caught my attention. It's certainly one that Madame Gélinas has talked about and I think it just supports. My honourable colleague Ms. Hoggarth just said that there is an opportunity for amendments and there's opportunity for discussion. Well, I hope they're sincere in actually allowing that to happen so that we can make this legislation the best it can be. You certainly highlighted to me—both speakers—that sodium is an abso-

lutely critical piece of this bill if we're really going to actually change healthy choices for people.

Can you share with me a little bit—I think I heard you say “perplexed,” or maybe that's my word—why this isn't in there?

Mr. Bill Jeffery: I honestly don't know. I did participate in hearings that were held in the fall of 2013. I will say I had some difficulty getting into them, but there were a lot of industry representatives there. I think other witnesses indicated that they didn't have an opportunity to intervene. I'm confused by that as well, I suppose. But there were three all-day sessions in the fall of 2013. I thought that the case, at least from the public health side, was very clear that sodium and calories were both very important bits of information. Most of the industry just favoured calorie labelling, but they preferred nothing mandatory, frankly.

Mr. Bill Walker: Maybe it's just the way I'm reading it, but your second bullet in your deputation talks about the federal government. I'm not at this point, to be honest, as concerned about what the federal government will or won't do. What I want to focus on is this bill, and I don't want to give the government an out, just because the federal doesn't do something. This is their bill. This is their ability to put sodium at the forefront. Certainly, at the end of the day, I think it's up to them to make sure that we do the best thing we can for Ontarians, and hopefully that would influence the federal counterparts.

The Chair (Mr. Grant Crack): Final comments.

Mr. Bill Jeffery: Yes. Well, certainly, there is a clear constitutional role for the provincial government doing something in relation to restaurants. We haven't seen any action from the federal government. It's a source of great concern to us. We would like provincial governments to do as much as they can through whatever constitutional powers they have, and here's an opportunity for it.

The Chair (Mr. Grant Crack): Well, thank you very much, Mr. Jeffery, for coming forward. We appreciate your comments. Have a great morning and a great day.

Mr. Mike Colle: Yes, thank you for this. It's very interesting. Scary.

The Chair (Mr. Grant Crack): Members of the committee, we did have a cancellation this morning. Obviously, we're a bit ahead of schedule. I know that Mr. Walker put forward a motion. We've had some discussion from the three parties. Mr. Walker did have his hand up previously. So, Mr. Walker, the floor is yours.

Mr. Bill Walker: Thank you very much, Mr. Chair. I just want to reinforce—it's particularly even more compelling now that we've had a few more presenters in and present more. I find it interesting that the government is so excited to move forward on this bill that they won't allow another day or two. Ms. Gélinas, I believe, has said she has worked on this for seven years. I don't think another week, to ensure that we get as much information, informed information, to make the best legislation on behalf of the people we are given the privilege to serve—I'm not certain why they would argue against that.

My concern that I'm hearing is that they're maybe more concerned about the control and moving things for-

ward on their agenda than they are about actually making it the best legislation possible. I'm concerned that it's more about their control and them being able to move forward and their timetable as opposed to engaging citizens and democracy, as, again, Madame Gélinas this morning reinforced.

This is one of the bills that I think I've seen more interest in from the general public, actually taking time out of their busy lives to say, "I want you to hear my voice. I want you to understand what I have to say about this legislation." I'm not certain one more week of deputations is going to actually be a detriment to this bill. In fact, I think it behooves us to listen and to engage those people and ensure that we develop the best legislation possible. Is it not worth the extra couple of days to hear from those people who have taken time and are participating in our democratic system?

I hear the government often in the House—and I hear them in committee; I hear them in media—talking about collaboration and partnership. This, to me, taking the approach that they vote against my resolution to allow the public to engage in democracy, tells me that it truly is simply a couple of buzzwords and rhetoric and speaking points. It is my hope that they will actually walk the talk, that they'll actually vote with us on this to allow the public to be engaged, to come forward to this committee to participate in democracy and actually have that.

The sodium debate has been really—the last two speakers have compelled me to even more want this to happen so that we can hear that. What I'm hearing is, that's one of the key things that's actually going to change people's eating behaviour and their health. Why would we not allow more groups to come in and give us that compelling fact? The Toronto Board of Health has actually implemented this. It's something that they believe so strongly in.

I think it only behooves us—and I once again extend my sincere request to the government to hear what I'm saying. This is an opportunity to hear more groups on a wide variety—there's a lot of stuff in this bill. There are three different components to it. Even within the smoking side, there are a number of factions within there, between flavoured, between the banning, the ages—there's all kinds of stuff, and I think we need to hear as much as we can. One more week I don't think is going to change drastically—although I think we could certainly enhance the bill. I think we can make sure that we put all of the factors in there, and maybe the government actually would hear some of those things and make amendments that are going to improve the bill really for the benefit of the people we're serving. Thank you, Mr. Chair.

The Chair (Mr. Grant Crack): You're welcome. Any further discussion? Okay. I shall call for the vote.

Those in favour of the motion? Those opposed to the motion? The motion is defeated.

There's no further business this morning. We shall reconvene at 4 p.m. I wish everyone a great day. This meeting is recessed until 4 p.m.

The committee recessed from 1004 to 1600.

The Chair (Mr. Grant Crack): Good afternoon, members of the committee. I'll call the meeting back to order after our recess following delegations this morning. This afternoon, the Standing Committee on General Government is going through the public hearing process with regard to Bill 45, An Act to enhance public health by enacting the Healthy Menu Choices Act, 2014, the Electronic Cigarettes Act, 2014 and by amending the Smoke-Free Ontario Act.

ASSOCIATION OF LOCAL PUBLIC HEALTH AGENCIES

The Chair (Mr. Grant Crack): We have a full list of delegations this afternoon, and shall commence with the Association of Local Public Health Agencies. I believe we have the executive director, Ms. Linda Stewart, as well as Mr. Gordon Fleming, who is manager of public health issues.

You have five minutes to make your presentation, followed by three minutes of questioning from each of the three parties. Welcome.

Ms. Linda Stewart: Thank you. It's a pleasure to be here, and I'm particularly pleased to be before the committee today on behalf of our member medical officers of health, boards of health and affiliate organizations.

First, I must say that we very much support Bill 45. For public health and the people of Ontario, we believe it's very much a good-news bill. The interests of public health units touch on all three of the bill's schedules, and I'll be commenting on each one.

Starting with healthy menu choices, schedule 1, we agree that all large chain restaurants, including fast food outlets and retail grocery stores that sell prepared foods, must conspicuously post the calories for each item on menus and menu boards. What better way to give consumers easy access to information that can help them make health-conscious decisions about what to eat?

When you consider the three elements largely used to enhance the flavour of food, namely, fat, sugar and salt, calories provide a good sense of the amount of fat and/or sugar in any given product. Fat and sugar in their many forms are the calorie-laden parts of the food we eat. We believe that adding requirements for posting sodium content to Bill 45 would round out the picture for consumers.

We know that sodium is a risk factor for cardiovascular diseases and diabetes. It's important to help consumers select low-sodium food choices. The requirement to post sodium levels would also encourage the reduction of levels of salt in foods covered under the act, and these foods are well-known to have high levels of sodium.

If the sodium disclosure requirement isn't incorporated into the act, we would urge you swiftly pass a regulation under subsection 2(1).

Moving on to the Smoke-Free Ontario Act, Bill 45 amendments to the Smoke-Free Ontario Act address a number of concerns that public health units and boards of health have expressed in recent years. Chief among these

is closing a major loophole that allows tobacco companies to continue to sell fruit- and candy-flavoured tobacco products which are particularly enticing to young people.

We are pleased to see that menthol cigarettes are not exempt.

We note that subsection 3(3) would allow for future exemptions via regulation. We cannot think of an acceptable exemption for flavoured tobacco products of any kind, and we would strongly recommend that this clause be removed.

We also strongly recommend the incorporation of additional prohibitions aimed at banning youth-targeting products, such as smokeless tobacco and candy-mimicking lozenges, twist sticks and dissolvable strips that the tobacco industry is already selling elsewhere to deliver addictive nicotine.

We believe that an explicit prohibition on the introduction of such products is essential to ensure that the tobacco industry cannot sidestep our efforts to protect children and youth from their existing products by developing novel and more enticing ones.

Lastly, the Electronic Cigarettes Act: We are very pleased with the precautionary approach that protects youth from the potential harmful effects of e-cigarettes. We also recognize the important potential for e-cigarettes to be effective smoking cessation aids, but we're concerned about their possible long-term health risks, as well as the short-term setbacks to our efforts to de-normalize the use of tobacco and its associated products.

We're very pleased to see that Bill 45 contains measures that largely address our concerns by subjecting e-cigarettes to the same purchase and use restrictions as tobacco products, while supporting further research into these novel devices.

One remaining major concern we have is that the rationale behind prohibiting the use of e-cigarettes in enclosed public spaces is not being applied to the indoor use of water pipes, also known as hookahs. In addition to the critical importance of de-normalizing smoking of any kind, there is also a growing body of evidence about the harmful effects of using water pipes and exposure to their environmental smoke, especially in enclosed spaces. Having introduced legislation that places stronger restrictions on e-cigarettes, we hope that the province will take a further step and introduce legislation as soon as possible to prohibit the use of water pipes in enclosed public places and enclosed workplaces.

In conclusion, we want to strongly urge all MPPs to support Bill 45 and hope that the changes we are recommending will appear in the final version. We have made a written submission as well, and it includes the alpha resolutions that support my statements today.

I'd like to thank the committee for your time and thank you for providing me with the opportunity to speak here today.

The Chair (Mr. Grant Crack): Thank you very much. We shall start with the government side. Ms. Hoggarth.

Ms. Ann Hoggarth: Good afternoon. Thank you very much for your presentation.

An analysis from the Propel Centre for Population Health Impact says that young smokers disproportionately use menthol, about one in four, compared to approximately 5% of adult smokers. Is flavoured tobacco a gateway to tobacco use and addiction for our youth?

Ms. Linda Stewart: I think the evidence you've just cited suggests that it is, and I believe there is evidence to support that it is a gateway. It's an easier way to start smoking and eventually, as one lets go of the childish things that we do in life, like smoking flavoured tobacco, go on to the real thing.

Ms. Ann Hoggarth: Thank you. During public hearings and debate on this bill, we've heard the idea of making it illegal for youth to possess tobacco. Do you believe that this would protect kids from the dangers of tobacco?

Ms. Linda Stewart: Making it illegal to possess tobacco? We do have a resolution on our books to ban tobacco in general. I don't know that I would want to go as far as making it illegal for a youth to possess tobacco, but we don't have a position on that, and frankly, I haven't really given it a lot of thought. I would want to take a moment to think about it, and I can get some information back to you.

Ms. Ann Hoggarth: Okay. With regard to the other points that you brought up, you know that this bill has a lot of flexibility. Hopefully, there will be some changes when we have more research, one way or the other.

I thank you very much for your presentation.

Ms. Linda Stewart: Thank you.

The Chair (Mr. Grant Crack): Thank you very much.

Mr. Hillier.

Mr. Randy Hillier: Thank you for being here. I want to focus in on your comments on the e-cigarettes, because I do find some contradictions here at play. You've mentioned that you're in favour of the same restrictions on tobacco, and we know that those restrictions on tobacco have resulted in, and were intended to reduce, the use of tobacco products, right?

Ms. Linda Stewart: Yes.

Mr. Randy Hillier: We know that e-cigs or vaporizers are used extensively as a smoking cessation device, or a nicotine replacement therapy—however you might want to phrase it—and that it has been very successful in helping people to stop smoking.

I'm just wondering why you would want to prevent access and use of a device that has been demonstrated to be very successful in helping people to kick their habit.

Ms. Linda Stewart: I don't think we're saying that we want to eliminate access to the product, but we're very in favour of the regulation of the product.

Mr. Randy Hillier: But we know you want the same regulations as what Bill 45 presents to us. It essentially captures vaporizers as a tobacco product and it is subject to all the same restrictions, lack of access and use, which we know were used to diminish the use of tobacco. So if we apply the same restrictions, we will diminish the use of the vaporizers as a tobacco cessation device.

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Ms. Linda Stewart: Gord is going to address that.

Mr. Gordon Fleming: Thank you. I'll try to respond to that. Thank you for your question.

I believe that the approach to this—because little is yet known about the actual health effects of e-cigarettes, and recognizing that they actually probably are a valuable tool in the long run in helping people quit, the reality is that until we know more about these products, I think that the logical thing to do, from a public health perspective, is to treat them as an analogue to cigarettes, because their primary market—for example, those who are already smokers and are looking to quit—are presumably, in the majority, adults. Therefore their access to these products won't really be restricted as much as they would be to youth, for example, who might just use them as a fun way to get nicotine.

Mr. Randy Hillier: Except it will be restricted in access and in use. I'll just draw your attention to ASH, Action on Smoking and Health. They're a UK outfit. They're a very well-recognized group to promote the reduction of tobacco and smoking. In their brief from November of last year: "ASH does not consider it appropriate for electronic cigarettes to be subject to ... legislation, but that it should be for organizations to determine on a voluntary basis...." But here's where they really—

The Chair (Mr. Grant Crack): Thank you very much, Mr. Hillier. I gave you a few extra seconds as well, so thank you. We'll pass it over to Ms. Gélinas.

M^{me} France Gélinas: No, no need to pass it down. Good afternoon. Thank you for coming to Queen's Park. It's a pleasure to see you. I will take the bill in its three parts, the first one having to do with calorie labelling. Can you think of any valid reason why we should not move with sodium at the same time as we move forward with calorie labelling?

Ms. Linda Stewart: Thank you very much for your question. I have not heard a valid reason put forward either.

Mr. Gordon Fleming: We don't have a resolution on this, but our position is that sodium should be included in the first round, for sure.

M^{me} France Gélinas: Okay. Right now, we expect calorie labelling to become law basically by the beginning of 2016. You see no reason—what would happen if we do not move forward with sodium?

Ms. Linda Stewart: I think we would lose an opportunity to better inform consumers about the sodium content of what they're eating. I also think that the larger risk is—in my comments I talked about fat, sugar and salt. When you're playing with the flavour of food, if you're not publishing all of those contents, I think you leave it open for manufacturers and food producers to play with that sodium content an awful lot. I would be concerned about that.

M^{me} France Gélinas: When it comes to flavoured tobacco, same question: Can you think of any reason why we should not ban menthol at the same time as we're banning every other flavour?

Mr. Gordon Fleming: Well, as Linda stated in her presentation, subsection 3(3), which may allow exemptions later on via regulation: We can't see any reason that there would ever be exemptions for these types of products.

M^{me} France Gélinas: Do your members, the health units right now, have any overview of the people who sell e-cigarettes? Right now, are you involved with them at all—or more your members than yourselves?

Ms. Linda Stewart: I actually don't have an answer to that question, but I'll get it for you.

M^{me} France Gélinas: Okay. No problem. So you are basically using the precautionary principle when it comes to e-cigarettes. Are you or any of your members presently studying the use of e-cigarettes as something that helps people quit so that we can build this body of scientific evidence that we need to make informed decisions?

Ms. Linda Stewart: That's something that I can also look into for you. I'm thinking about some of the work through Public Health Ontario. There may indeed be something there.

M^{me} France Gélinas: Okay, but—

The Chair (Mr. Grant Crack): Thank you very much. I apologize.

Thank you very much, Ms. Stewart and Mr. Fleming, for coming before committee this afternoon. We appreciate it.

NON-SMOKERS' RIGHTS ASSOCIATION

The Chair (Mr. Grant Crack): Next on the agenda, we have the Non-Smokers' Rights Association. We have Lorraine Fry as the executive director. Welcome. You have five minutes.

Ms. Lorraine Fry: Thank you very much for this opportunity to address this committee on this important piece of legislation.

I'm the executive director of not only the Non-Smokers' Rights Association but the Smoking and Health Action Foundation. We've been working on tobacco control policy issues for over 40 years in Canada.

I'd like to speak in support of Bill 45, specifically the components related to tobacco products control and electronic cigarettes. We commend the government for the provisions set out in this bill, and especially for including menthol in the ban on flavoured tobacco products. Ontario kids will be healthier for it. It will save lives. We would also like to thank the opposition parties for their support of this bill.

I want to focus my remarks today on only a few aspects. Probably the first and most important is to draw your attention to the need to regulate water pipe, or hookah, smoking, regardless of whether tobacco shisha or herbal shisha is used. Shisha is often smoked indoors in hookah cafés and restaurants. It has been described as a global epidemic among youth. The popularity of water pipe smoking has been steadily increasing since the 1990s and has emerged as a chic new trend among young adults worldwide, including in Canada. You may have

noticed that there has been a huge proliferation of hookah cafés and bars in Ontario, particularly in Toronto and in university and college towns.

Recent data published by the University of Waterloo showed that over 100,000 Ontario high school students had tried water pipes and 36,500 had used them within the past 30 days. Among high school seniors, one quarter of them were using water pipes. That's quite astounding.

Studies looking into the toxicants of water pipe smoke have reported that it likely contains many of the chemicals that are associated with the elevated incidences of cancer, cardiovascular disease and addiction of cigarette smokers. The Ontario Tobacco Research Unit has examined the evidence and concludes that water pipe tobacco smoke is at least as toxic as cigarette smoke.

In his ruling upholding Vancouver's ban on water pipe smoking, Judge Yee said that there "is certainly risk of harm in herbal shisha smoking for both the consumers and the people who are exposed to the second-hand smoke."

The problem here is that both the current and proposed amended Ontario legislation pertains only to tobacco; the smoking of other weeds and substances is not included. It's increasingly common at hookah establishments for proprietors to remove tobacco shisha from its original packaging and store it in unlabelled plastic containers. They claim that the shisha is herbal and doesn't contain any tobacco. Therefore, proprietors are circumventing the smoke-free laws and allowing customers to smoke indoors.

However, as more becomes known about the dangers of smoking tobacco shisha and non-tobacco herbal shisha, many jurisdictions in Canada have responded with legislation and bylaws that prohibit the smoking of other weeds or substances. Quebec, Nova Scotia and Alberta all have such legislation, as do over 50 Canadian municipalities, including 13 in Ontario. I can share those municipalities with you.

We recommend that regulatory authority to control the indoor smoking of weeds and substances other than tobacco, such as herbal shisha, be added to Bill 45 to enable regulatory action on water pipe use as soon as possible.

With regard to the regulation of e-cigarettes, we believe that they hold great promise as aids to help smokers quit or reduce cigarette smoking; for their ability to deliver nicotine effectively; and to mimic smoking behaviours. There's a growing scientific consensus that e-cigarettes are much safer than cigarettes. They contain no tobacco and there is no combustion. However, we don't want young people to become addicted to nicotine, and we therefore support the proposed ban on the sale of e-cigarettes to minors. We also believe the Ontario government is correct in taking a cautionary approach by banning the use of e-cigarettes in indoor public places and workplaces and on patios—everywhere where smoking is banned—until the research provides definitive evidence that e-cigarettes pose no risk to tobacco control, to bystanders and to non-smoking youth.

Not only has there has been insufficient research on this aspect of e-cigarettes up to now; the research to date has yielded conflicting findings regarding the constituents in e-cigarette vapour and the risks that they pose. As well, the products are changing at such a rapid pace that the findings can't be generalized across products. Recent studies show that the emissions produced by the newer-generation models, which operate at much higher temperatures, are much different from those of early cigalike models.

At the recent World Conference on Tobacco or Health, I spoke to Jean-François Etter, one of the leading proponents of the use of e-cigarettes as a harm reduction and cessation device, and he supported a ban on the use of e-cigarettes in indoor public places and workplaces.

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Regarding the provisions in Bill 45 that deal with retail promotion, we have no problem with an exemption for specialty e-cigarette stores that allows them to display their products, provided that they are not visible from the outside, that no products other than e-cigarettes, e-liquid and related accessories are sold, and that minors are not permitted entry.

Finally, we recommend that flavoured cigarette rolling papers should be included in Bill 45's flavour ban.

Thank you very much.

The Chair (Mr. Grant Crack): Thank you very much. We'll start with the official opposition: Mr. Hillier.

Mr. Randy Hillier: Thank you very much. I'm just going to again focus on your comments on e-cigarettes and the ban and the precautionary principle. But first off, I've heard this often from many people that have come to committee, about conflicting evidence and that the jury is out. I have to tell you I've gone through—there are hundreds and hundreds of very thoughtful and detailed reports and studies about how effective vaporizers are as a gateway out of tobacco. I have yet to find these conflicting studies and reports. Could you name one study for me that says that vaporizers are a hazard or a danger?

Ms. Lorraine Fry: There are quite a few studies coming out of the US that are showing increased use by youth—

Mr. Randy Hillier: Could you give me one?

Ms. Lorraine Fry: I could get the name of the study to you. I don't have it at my fingertips. I think the issue is that, for those of us who work on this subject on an almost-daily basis, we do see all of the studies. Therefore, for the ones that come in that say they are effective, the next thing you see is some that show a gateway for youth or that show increased youth—

Mr. Randy Hillier: Again, I'm saying I've looked and looked and I've seen hundreds and hundreds that—

Ms. Lorraine Fry: I'd be happy to share—

Mr. Randy Hillier: Here's one from a number of very substantial scientists from the London School of Medicine, the Queen Mary University of London, the University of Auckland—

Ms. Lorraine Fry: Yes, I'm familiar with it.

Mr. Randy Hillier: —and here they say the evidence is instead that the gateway effect is out of tobacco use.

Ms. Lorraine Fry: But some of the people who have authored those very studies are the same people who are saying, “Take the precautionary approach to regulation in indoor public and workplace”—

Mr. Randy Hillier: Well, again, if wisely regulated, electronic cigarettes have the potential to obsolete cigarettes—

Ms. Lorraine Fry: If wisely regulated.

Mr. Randy Hillier: —and save millions of lives worldwide. Excessive regulation, on the contrary, will contribute to maintaining the existing levels of smoking-related disease, death and health care costs.

Ms. Lorraine Fry: I don’t believe that this is excessive regulation. I think that they’ve taken a good precautionary approach.

Mr. Randy Hillier: If I had more than three minutes, I could go into substantial more detail where, yes, this would be deemed as excessive regulation.

Ms. Lorraine Fry: No adult is being precluded from purchasing them. No adult is being precluded from using them outside.

Mr. Randy Hillier: So you don’t have any evidence on hand. You can’t refer me to any particular study specifically that supports your argument, but you’re asking us to take the precautionary approach? That would be like, “Let’s not get out of bed in the morning because we may be hit by a car.”

The Chair (Mr. Grant Crack): Final comment.

Ms. Lorraine Fry: I would have to provide you with a binder of a huge number of studies—

Mr. Randy Hillier: I’d be interested in seeing that binder.

The Chair (Mr. Grant Crack): Thank you very much. We’ll move to Ms. G  linas from the third party.

M^{me} France G  linas: Thank you. I am really happy to see that the Non-Smokers’ Rights Association does not consider anecdotal evidence, no matter how many of them there are, as science. Neither do I.

I’ll ask you the same question I ask everyone. Right now, the government, when it comes to smoking, is considering a two-year window before we ban menthol. Can you think of any good reason why menthol should not be banned at the same time as every other flavour?

Ms. Lorraine Fry: Not really. I think that it should be banned at the outset; at the maximum, a year from the date of implementation.

M^{me} France G  linas: Right now it looks like the banning of flavoured tobacco will probably happen around January 1, 2016—next year. So you would give menthol until June of 2016?

Ms. Lorraine Fry: That would be the maximum amount of time that I would give.

M^{me} France G  linas: Why would you give this extension to menthol rather than banning it with the other flavours?

Ms. Lorraine Fry: Probably there’s no real reason why it couldn’t be January 1, 2016, as well.

M^{me} France G  linas: All right. I agree.

You’ve brought forward the idea of flavoured cigarette rolling paper. I get it intuitively, but—to support my colleagues to the right—do we have any science that backs up the idea that flavoured paper is a gateway or encourages youth to smoke?

Ms. Lorraine Fry: I think it’s the same principle as the flavoured tobacco. It’s something that encourages youth to use flavoured tobacco, the flavoured rolling papers. It’s all to mask the harshness, to make it taste sweet, so it’s almost like an addendum to the flavoured tobacco in itself.

M^{me} France G  linas: Would the Non-Smokers’ Rights Association support the continuation of vapour lounges, where people go in for the purpose of using e-cigarettes; or solely the sale to adults, and you consume them elsewhere?

Ms. Lorraine Fry: The latter. We would support an exemption for the display of e-cigarettes, but the same precautionary principle as to why we would not want e-cigarettes to be used in public and in workplaces would apply to the vape shops. They have workers there. We don’t know yet the long-term effects of inhaling the vapour. An employee could be pregnant; why should we treat them any differently than we treat any other people in any other public and in workplaces? But we do support the exemption on the ban on display.

The Chair (Mr. Grant Crack): Thank you very much. We shall move to the government side. Ms. McMahon.

Ms. Eleanor McMahon: Hi Lorraine. Nice to see you.

Ms. Lorraine Fry: Nice to see you.

Ms. Eleanor McMahon: As an asthmatic, I want to thank you for all the work that you’ve done to keep our places that are public, in particular, free of tobacco smoke and other smoke that irritates people like me to no end and makes me sick. So I appreciate your work over the years.

Is it safe to say that doing everything that we can to reduce the likelihood of children taking up any kind of smoking whatsoever is what we should be focusing on? Is that safe to say?

Ms. Lorraine Fry: Yes.

Ms. Eleanor McMahon: If you could share with us the data from the University of Waterloo, Madam Clerk, I think that would be really interesting.

Help me to understand if I’m making the right connection between hookah smoking as a mechanism, or perhaps a gateway, and a chic thing to do—I liked your words, so I’m going to use them, because I thought they were useful—as a chic new trend. Does that give you the same rate of concern as kids using e-cigarettes, and thus your support is conclusive for banning sales of e-cigarettes to children? Is that safe to say?

Ms. Lorraine Fry: Well, I think they’re two different things. Water pipe smoking is smoking. The recent Vancouver decision, the quote that I gave from the judge—OTRU research has shown that the smoking of non-tobacco, herbal shisha is damaging both as a second-hand herbal smoke and in terms of smoking it. So it’s not just tobacco smoke.

I was just at the World Conference on Tobacco or Health, and some of the evidence there from the Middle Eastern countries about some of the toxic effects of smoking tobacco shisha—it comes out as being almost more toxic than regular cigarettes. It's because of the length of the inhaling, how long a session is. A session is usually at least an hour long. It's a growing phenomenon in terms of regulation. I actually have a document here that I could submit.

Middle Eastern countries supposedly had just the traditional use by middle-aged older men in these hookah cafes. We now have an epidemic where youth in every single one of those 18 countries are smoking water pipes at a higher rate than they're smoking cigarettes. The United Arab Emirates, Turkey, Lebanon, Syria, Jordan, Saudi Arabia all have either banned or brought in severe restrictions on water pipe smoking, simply because of the toxic effects and because of the escalating use by youth. This is a worldwide phenomenon.

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Ms. Eleanor McMahon: That's helpful. Time for one more, Mr. Chair?

The Chair (Mr. Grant Crack): Five seconds.

Ms. Eleanor McMahon: Quickly, just a point of clarification, if I may. There have been conversations around the table today about ASH in the UK saying the government should not prevent vaping in public spaces. My understanding—and maybe you could help us clarify it—is that ASH in the US says there should be no vaping in places that ban smoking. Can you help me understand the difference between those two things?

Ms. Lorraine Fry: Well, you have proponents who are in favour of it being used in public and in workplaces and you have proponents who aren't in favour. The one I quoted said he wasn't in favour. So it's all over the map. You will have some who are more opposed to e-cigarettes who don't want that, but then you have others who are proponents of e-cigarettes as a cessation and harm-reduction device who still say it. I know that ASH UK says that; Jean-François Etter doesn't say that.

The Chair (Mr. Grant Crack): Thank you very much. I appreciate you coming before committee this afternoon. I apologize for cutting you off, but it's my job.

Ms. Lorraine Fry: That's okay. It's your job.

ONTARIO PUBLIC HEALTH ASSOCIATION

The Chair (Mr. Grant Crack): Next we have on the agenda, from the Ontario Public Health Association, Ms. Walsh, executive director. Welcome.

Ms. Pegeen Walsh: Good afternoon. Thank you for the opportunity to appear before your committee. My name is Pegeen Walsh and I'm the executive director of the Ontario Public Health Association.

Our non-profit, non-partisan association brings together those committed to improving people's health. Many of our members are on the front line of community and public health, working to prevent tobacco use, especially among youth, and supporting healthy eating and nutri-

tion. We also collaborate with others and I'm proud to be a member of the Ontario Chronic Disease Prevention Alliance.

The Ontario Public Health Association has been a champion for healthy public policy since its creation over 65 years ago, and we're committed to strategies that focus on prevention, health protection and promotion. As such, we are supportive of Bill 45 as it provides an important building block for creating a comprehensive provincial chronic disease prevention system, reducing health care costs and promoting health and well-being.

As tobacco continues to be the leading cause of preventable disease and premature death in Ontario, we support measures that can help reduce its use and prevent young people from starting. That is why members of our association support the restrictions for the promotion and sale of e-cigarettes to youth under the age of 19. We agree that e-cigarettes should be treated like other tobacco products and be restricted where they are sold and used.

While we recognize the need for further study to better understand the risks, we share the World Health Organization's concerns about the potential for e-cigarettes to act as a gateway to nicotine addiction and tobacco smoking, particularly for youth. Marketing of e-cigarettes can undermine tobacco control efforts that have helped de-normalize smoking and may threaten the progress that has been achieved.

OPHA also supports the banning of products that encourage youth to try or keep smoking. Cigarettes are highly addictive and those who start before the age of 20 are more likely to be long-time smokers. Making tobacco products less appealing by banning flavoured cigarettes can help prevent youth from starting to use tobacco products in the first place. By masking the harsh taste of nicotine, menthol-flavoured cigarettes can increase the appeal of smoking and be a popular way for young people to experiment.

Ontario has been a leader in tobacco control in Canada and we welcome measures like these that will keep Ontario at the forefront.

With increasing rates of type 2 diabetes and other chronic disease and the growing number of Ontarians who are overweight and obese, we support Bill 45's call for menu labelling among restaurant chains.

By providing critical nutrition information on menus, we can support consumers in making healthier choices when eating out. Menu labelling can inform people's decision-making and make nutritional information more transparent and consistently available at the point of sale. Given that Ontarians are eating out more than ever before, food environments away from home are an important setting to improve population health in our province.

While many large restaurant chains do voluntarily provide nutrition information, these formats do not make nutrition information readily available and consumers have to be motivated to seek it out. That is why OPHA strongly supports a legislative approach to menu labelling.

Several US jurisdictions have implemented menu-labelling legislation and have demonstrated that it is both

feasible and effective. There is also early evidence that menu labelling has had the positive effect of prompting restaurant chains to create healthier menu options, with benefit for consumers.

OPHA strongly encourages the inclusion of sodium values alongside calorie counts in the government's menu-labelling initiative. High levels of sodium in restaurant foods are contributing to Canadians' overconsumption of sodium, which has negative health consequences such as hypertension.

OPHA also recommends mandating the provision of calorie and sodium information at the point of purchase in many other large chain establishments that sell ready-to-eat food for immediate consumption.

OPHA encourages other initiatives that can maximize the effectiveness of provincial menu-labelling legislation, such as food literacy initiatives, public education to increase awareness for the use of and demand for menu labelling, and the creation of a comprehensive strategy to tackle obesity, promote wellness and prevent chronic diseases.

It costs less to prevent health problems than it does to treat them. Bill 45 is an important step in creating a comprehensive chronic disease prevention system in Ontario.

The public health community's experience from tobacco control has shown that to effect change, a comprehensive approach is needed. It's the interplay of legislation and policy, social marketing and education, skill building and creating supportive environments that makes a difference.

OPHA encourages the Legislature to pass these important measures and welcomes the opportunity to work with legislators to create positive change in order to promote health and well-being.

Thank you for the opportunity to convey the ideas and concerns of our association.

The Chair (Mr. Grant Crack): Thank you very much, Ms. Walsh. We shall start with the government side. Ms. Kiwala.

Ms. Sophie Kiwala: Thank you so much, Ms. Walsh, for your testimony today. It was excellent to hear your point of view on this bill, and I thank you for your support for the bill as well.

One thing that I did want to clarify—I'm not sure if you've been following the committee hearings so far, but we have been hearing some comments from the opposition that suggest that we are unconcerned about contraband, which is absolutely not the case. Of course we are concerned about contraband. What I'd like to ask you is, do you think that Bill 45 will drive smokers to use contraband?

Ms. Pegeen Walsh: Our main concern is prevention, focusing on young people and getting young people to not start smoking. As mentioned, we know that if they don't start before they're 20, then there's less likelihood they will be lifetime smokers. These measures are important ones to tackle that issue of the next generation of non-smokers.

Ms. Sophie Kiwala: With respect to the labelling schedule of this bill, could you give us some more detail

on why you feel that a healthy weight is important, especially in childhood?

Ms. Pegeen Walsh: Well, if you refer to Ontario's former Chief Medical Officer of Health's report *Make No Little Plans*, she documents the very troubling trends of not only adults in terms of growing overweight and obese, but also young people. This will drive and is driving health care costs. It not only affects quality of life, but it is something that we're all paying for. The more that we can add this kind of tool to our toolbox and have a comprehensive way of tackling issues and preventing chronic diseases, such as type 2 diabetes, overweight and obesity, the better.

Ms. Sophie Kiwala: What are the rates of childhood obesity? Are they increasing or decreasing in Ontario right now?

Ms. Pegeen Walsh: I'm sorry, I don't have that data at my fingertips. My understanding is that the rates have been increasing; hence we do have targets that we're striving toward to reduce those rates.

Ms. Sophie Kiwala: That's certainly been part of mainstream dialogue. This bill, I think, supports the notion that healthier weights in children are definitely going to provide us with more long-term benefits in health care down the road and improvement in our budget as well.

Ms. Pegeen Walsh: It's troubling that experts are pointing to some health conditions they're seeing at younger ages which they didn't see before because of these health conditions affecting young people.

Ms. Sophie Kiwala: Thank you.

The Chair (Mr. Grant Crack): Thank you very much. We shall move to Mr. Hillier on the official opposition.

Mr. Randy Hillier: Thank you. You mentioned that you're here to improve people's health and that you are promoting these restrictions on vaporizers. I hear your words, but I also see the actions that are happening. From the evidence that I've seen, if we limit or prevent people from using effective smoking cessation devices, are we not condemning many of them to a lifelong addiction and poor health staying on cigarettes when we take away the effective tools for them or limit the availability of those tools?

Here's another study that I have from the American Council on Science and Health. I'll just mention a few things out of their summary: "Nicotine from electronic cigarettes used in ... crowded situations is clearly not a health risk to those in proximity.... Restrictions on e-cigarette use indoors would be hard to justify on medical grounds." Finally, "Legislation could deter smokers from switching to ... vaping."

I'm just wondering, do you not have any fear that promoting these restrictions and less access and availability to vaporizers would have the contrary effect to what you're actually trying to achieve in improving people's health?

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Ms. Pegeen Walsh: Nicotine is highly addictive and we don't want to blame the smoker for that addiction. We

want to provide all kinds of supports that we can to help people quit smoking. Our main concern, as I mentioned, is about young people. There have been decades of effort to de-normalize smoking so that we don't see smoking, we don't—it's not something that's seen as commonly used and acceptable behaviour—

Mr. Randy Hillier: I think we've all been agreed about preventing youth from getting into the using of vapours, but for those who are already addicted to tobacco—that's what I'm concentrating on. Do we want to keep them on that tobacco addiction, or do we want to actually help them get into improved health, an improved lifestyle, and to get away from smoking? Can we do that by taking away what appears to be the most effective tool that technology has come up with so far?

Ms. Pegeen Walsh: My understanding is that we're not restricting adults from using that tool; the issue is where and when they can use the tool.

Mr. Randy Hillier: Sure.

Ms. Pegeen Walsh: And that's part of our de-normalization. So the tool will be available to people who are trying to use it as a means to quit smoking.

Mr. Randy Hillier: We are restricting their use. If I'm a transport driver and I'm addicted to cigarettes and I want to use a vaporizer, I can't use a vaporizer in my highway tractor under this legislation. I'll be subject to a fine. So we are preventing the access and use. We're preventing, under this legislation, the ability to learn about them in a retail environment. We are preventing people from using it in places where it would otherwise be safe—

The Chair (Mr. Grant Crack): Thank you very much, Mr. Hillier—appreciate it.

Ms. Gélinas.

M^{me} France Gélinas: Thank you so much for coming. I would like to start with menu labelling and some of the comments that you have made. The first one is the same question I ask everybody else: Can you think of any valid reason why the sodium labelling should not come at the same time as the calorie labelling?

Ms. Pegeen Walsh: My understanding is that there are increasing rates of overconsumption of sodium, so including sodium would be an important aspect to include in menu labelling.

M^{me} France Gélinas: And would your associations want to see sodium labelling come in at the same time as calorie? Right now it is to be dealt with at a date yet to be talked about.

Ms. Pegeen Walsh: We would support it happening at the same time.

M^{me} France Gélinas: At the same time? Okay.

Then you go on to say that you recommended “mandating the provision of calorie and sodium information at the point of purchase in many other large chain establishments that sell ‘ready-to-eat’ food” such as “supermarkets, convenience stores and theatres.” So the way you interpret the bill, those premises would not be included.

Ms. Pegeen Walsh: Our concern is that they might be excluded, so we wanted to make the point that it would

be important because more and more Ontarians are buying those prepared foods, for example, at large super-markets.

M^{me} France Gélinas: Okay. We'll make sure. We'll check.

Also in the bill is the fact that if a health unit, let's say the Toronto health unit, wanted to move forward with either a further ban—as in banning menthol right away—or wanted to move forward with sodium labelling right away, they would not be allowed to do that anymore. They're allowed to do this as we speak, but after this bill they would not be allowed to do that anymore. Is this something that your membership has talked about?

Ms. Pegeen Walsh: We haven't talked about that aspect, but there is a lot of innovation that happens at the local level and then we see prevention legislation that follows. To allow those kinds of bylaws and actions would be helpful.

M^{me} France Gélinas: And something you would support?

Ms. Pegeen Walsh: Yes.

M^{me} France Gélinas: And from the view of your membership, how much more work is it going to be for you, once this law passes, when it comes to menu labelling, when it comes to flavoured tobacco and the regulating of e-cigs?

Ms. Pegeen Walsh: That's a really good question that we would need to take back to our membership, and talk to our colleagues at the Association of Local Public Health Agencies as well to see what that additional work would require.

The exciting thing is that I know, for example, that today one of our members was talking about how they're working in Toronto with a local entrepreneur who wanted to add nutritional information on his menus, so they've been working to make that happen as of last January and finding a lot of success with consumers buying those healthier choices.

M^{me} France Gélinas: And once the information is there, they buy.

Ms. Pegeen Walsh: Yes.

M^{me} France Gélinas: Thank you.

The Chair (Mr. Grant Crack): Thank you very much, and thank you, Ms. Walsh, for coming before committee this afternoon. We appreciate it.

Ms. Pegeen Walsh: Thank you.

MS. MICHELLE ST. PIERRE

The Chair (Mr. Grant Crack): Next on the agenda we have Michelle St. Pierre, who I believe is from Oshawa via teleconference.

Madam Clerk, are we ready to go?

Ms. Michelle St. Pierre: Hello.

The Chair (Mr. Grant Crack): Hello. How are you, Ms. St. Pierre?

Ms. Michelle St. Pierre: Hi. My name is Michelle St. Pierre. First, before I get really started, I just wanted to say, I was there yesterday as a spectator because I was

told there were no slots to speak for the general public. This morning, just by chance I heard on the live stream that there were no speakers, so I was able to speak tonight. I know many other people like myself who are willing to come forward, just regular folk who are willing to come forward. If you need more people to speak, that's not an issue. There are a lot of people out there.

In any case, I am 50 years old. I smoked cigarettes for over 40 of those years. For the past 20 years, it has been an over-a-pack-a-day habit. I suffer from a hyper-anxiety disorder, and smoking is one of the only things that helps me to remain calm. I've tried to quit many times. I tried patches. I tried the gum. I tried Nicorette, the spray, prescribed medications, but in the end my anxiety issues would flare up and I would go back to cigarettes.

This is the first time in 40 years that I found something that works. I was introduced to vaping last fall. At first, I was completely overwhelmed by the amount and the variety of vapes that are available, the choices that go into what you need for your own personal self and then, after that, how you maintain your vape. I didn't know anything about ohms or wattages. I didn't know anything about changing coils. Thank goodness, the store that I went to—it's Canada E-Juice in Oshawa here. They explained everything to me. I needed that.

I know I'm not the only 50-year-old who's not so tech-y. Other people need that hands-on. They need to be able to see what their choices are and they need to have the opportunity to have that explained. They took the vape apart, put it back together and showed me how it was safe, because I had my own concerns. It was a new thing to me.

I really do think the bill, if you put forth the—not being able to show and not being able to display and not being able to interact—this bill is actually endangering people. This is an electronic device and it needs to come with an explanation. I know there are instructions in the box. They wouldn't cut it for me, and I know I'm not alone.

When I started, I was using the Vapure. I found right away that I was smoking a little less. As time progressed, I was vaping more and smoking less. Around about week four, I realized the table had tipped for the first time in my life and I was actually vaping most of the time. At this point, I still smoke a little—less than one pack a week, and that's going down. I'm sure that's due to my anxiety. But even in these anxiety situations, such as talking to you today, I have not gone out for a cigarette. I have used my vape, and I'm getting through it. So it's working. I'm proof.

In regard to nicotine, I've heard many things, so I'm going to try to say a little bit about each. In regard to nicotine, when I started, I was on 24 milligrams and now I'm down to 14 milligrams. So it's going down. The addiction to nicotine is going down. It's going away. I don't know what it is, but I'm using less and I'm still happy with what I'm using.

I suffer from a few maladies—asthma and COPD. My physician told me this past fall—when I made the deci-

sion to start vaping actually was one of the things that pushed me—that I would soon be on an oxygen tank. I don't know what else I can expect after 40 years of smoking. I have four different kinds of inhalers. I have a medication called Spiriva. These are all very expensive. I have to take some of them daily and some of them weekly. I can tell you this: For the past three weeks, I've been breathing without them. I have put it in a box in case I need it, but I have not used a single inhaler. I have not used my Spiriva. I have not used the chamber. I was able to go to Parliament yesterday and walk around. I did it; I was able to breathe.

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So I know I've got a long way to get healthy, but I'm feeling better. I breathe easier, and it's encouraging more activity, which is helping me with other medical issues that all come from smoking. They all go hand in hand.

Vaping can't cure me, but it can help me cure myself. Why would this council or anybody want to take that opportunity away from me or anyone else who has been chained to smoking?

I do have one point that I need to make. I hear all of this talk that the flavours are aimed at children. I understand, and I agree: Children should not have access to anything like this until they're of an age to know what they want and what they can do. But I take offence to it, because my favourite flavours are Rocket Pop and Sweet Tarts. I'm 50. The reason I'm take offence is, the government runs the LCBO and they sell cotton candy vodka.

The Chair (Mr. Grant Crack): Thank you very much, Ms. St. Pierre. I appreciate your comments.

We'll start with the official opposition: Mr. Hillier.

Mr. Randy Hillier: Thank you, Michelle. That's a story that I've heard from thousands and thousands of people. We've got hundreds and hundreds of testimonials that have been deposited to this committee.

I think it's important for people on the committee to understand: There are some technical parts of a vaporizer. It's not just that you go in and get it off the shelf and it works. There is maintenance, and there are different styles of coils. There are different elements of it. Having somebody who is knowledgeable and who can demonstrate the use of it—I think you said it; that helped you.

Ms. Michelle St. Pierre: I don't think I would have stayed with it if they didn't do that.

Mr. Randy Hillier: Right. And you've reduced—you're down to—

Ms. Michelle St. Pierre: From a pack and a half a day to less than one pack a week, and going down every week.

Mr. Randy Hillier: I think we should be doing everything possible to help people like yourself and others kick the tobacco habit, and not put up any roadblocks to you to do that. It's great to hear that you're also not needing the use of inhalers and different other medical treatments that try to mitigate the smoking that you were involved with.

Ms. Michelle St. Pierre: Thank you.

Mr. Randy Hillier: I do appreciate your comments and appreciate you taking the time to call this committee.

Ms. Michelle St. Pierre: Thank you very much.

The Chair (Mr. Grant Crack): Thank you. We'll move to Ms. Gélinas, from the third party.

M^{me} France Gélinas: Thank you so much, Ms. St. Pierre. I want to start by saying, congratulations on the effort you have put into quitting smoking and—

Ms. Michelle St. Pierre: Not being able to breathe is scary.

M^{me} France Gélinas: Yes. Keep trying. You will get there.

You had made many other attempts before. Were those attempts supported by your physician or a nurse practitioner or a nurse, or were you at it alone when you tried the medication and when you tried the other smoking aids?

Ms. Michelle St. Pierre: Some things, yes, and some things, no. Obviously, medication came from my doctor, if it was prescribed medication. Wellbutrin was one of the ones that were given to me to help me quit smoking. I discussed the patches with my doctor prior, and then just got them from the drugstore myself. Because I have other health issues, I always check with my doctor on each thing that I'm doing.

M^{me} France Gélinas: I'd like to ask you: If we do go from anecdotal evidence that you've just given, to science that proves that e-cigarettes are a smoking aid, do you figure, if it was your physician, or the nurse in your physician's office, who had guided you through as to how you use this device and how you control it, would that be better, the same, or worse than having a clerk in a convenience store do that education to help you quit?

Ms. Michelle St. Pierre: If that education would be available, it would be fabulous, but I can tell you that to see my doctor, it takes three months to get an appointment. I know that there are a lot of issues with there not being enough physicians and nurses around.

I think that having the ability to come to the store—actually, each of the people at this store where I came are ex-smokers, so they could talk to me from where I'm standing. I think that's important. I think that when a smoker comes in and is trying to learn things—if you didn't smoke, we don't listen.

M^{me} France Gélinas: You like the lived experience to help you through?

Ms. Michelle St. Pierre: Well, it's because you don't know what I'm going through, really and truly. If you don't understand what it feels like to—well, yesterday, a couple of times, I kept behind my group. I couldn't keep up with them. But I never stopped, and I didn't have to sit down and wait 10 minutes to catch my breath. That was, for me, like New Year's Day.

M^{me} France Gélinas: So you want access to somebody who knows what they're talking about, who can help you through it, who can help you use the device and somebody who is accessible when you need them?

Ms. Michelle St. Pierre: Yes. I think the idea of having a doctor do it would be wonderful, but I don't think it would be accessible.

M^{me} France Gélinas: Very good. Thank you.

The Chair (Mr. Grant Crack): Thank you very much. We shall move to the government and Ms. Kiwala.

Ms. Sophie Kiwala: Thank you so much, Michelle, for your testimony today. I, too, want to commend you for your work on your own health. I think it's incredibly important that you've taken the steps that you have already. I'm glad that the measures that you've taken have seemed to be so successful.

But one thing that I do want to make note of about this legislation is that it is precautionary. Nobody is going to prevent you from buying e-cigarettes in the future.

I wanted to ask you a little bit about when you first started using e-cigarettes. Sorry, did you say that you were from Oshawa?

Ms. Michelle St. Pierre: I am. Yes.

Ms. Sophie Kiwala: Okay, and you went into a vaping store and you developed a relationship with the vendor there?

Ms. Michelle St. Pierre: Yes. Actually, I was brought in by a friend who had started vaping. Otherwise, I would never have known it even existed.

Ms. Sophie Kiwala: Okay, and then that vendor talked to you about the use of it, provided you with some instructions etc.?

Ms. Michelle St. Pierre: Yes, because there are a lot of instructions. There are things like coils in there, and what do you do if the juice thing leaks. I wouldn't have known what to do with any of it. I'm not technical.

Ms. Sophie Kiwala: Yes, you and me both. With this legislation, though, that wouldn't be something that would be taken away. You would still have that personal relationship. That vendor is obviously pretty good at developing a relationship with customers and prospective customers, so I think that's something that's really important to remember.

Ms. Michelle St. Pierre: Yes.

Ms. Sophie Kiwala: We would never create legislation that would take away something that is of benefit to smokers. It is a flexible piece of legislation, so that if it turns out down the road that vaping is a productive cessation device, it would be something that could be achieved through regulation, which I think is really important. What do you think about that?

Ms. Michelle St. Pierre: It would be nice if you could get a prescription.

Ms. Sophie Kiwala: Sorry. What did you say?

Ms. Michelle St. Pierre: I'm pushing my luck there, I guess. It would be nice if it could be prescribed, like some of the other smoking cessations. They're all pharma, though. They're all medical. This is different. But anyway, sorry.

Ms. Sophie Kiwala: Well, that's a good point. We'll certainly have to bring that forward. I thank you for bringing that up.

Are you pleased, if new evidence emerges, that there's flexibility in this bill?

Ms. Michelle St. Pierre: Yes.

Ms. Sophie Kiwala: Okay, super. Thank you so much, Michelle. We really appreciate your testimony today.

Ms. Michelle St. Pierre: You're very welcome. Thank you for letting me speak. Bye.

The Chair (Mr. Grant Crack): Thanks for joining us this afternoon.

Okay, so I believe the next presenter is stuck in traffic. Mr. Gough is not here.

MR. MATT MERNAGH

The Chair (Mr. Grant Crack): We shall move to the next one, which would be Mr. Matt Mernagh. We welcome you, Mr. Mernagh. You have five minutes to make your presentation.

Mr. Matt Mernagh: Thank you, sir. I'm going to take your committee a bit off on a different pattern here today. My name is Matt Mernagh. I'm the core organizer of Toronto's 4/20 rally, which 12,000 people attended yesterday. I came within 90 days of striking down Canada's marijuana law in the court case *R. v. Mernagh*. I'm the bestselling author on the subject of medicinal marijuana. I'm very publicly known for medicinal cannabis use to treat a rare brain tumour and chronic pain. I'm here to express very deep concerns about how legal medical marijuana patients will be impacted by this bill.

There are troublesome words in your act: "whether or not the vapour contains nicotine." If we're here just to talk about nicotine, I'm not here. But this act specifically says, "whether or not the vapour contains nicotine." Therefore, vapour containing medical marijuana—legal medical marijuana—would be covered in your act. Therefore, as a medical marijuana patient, and as medical marijuana patients in this province, we will be impacted gravely.

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So I'm here to express some of these: I've examined your bill and it fails to consider disabled Ontarians who use medical marijuana. Even though the word "marijuana" is not included in your act, it is not excluded if my vapour contains medical marijuana—because it's not excluded. I could vaporize here, sir, using my treatment for medical marijuana—because I'm stressed presenting to your committee—to calm down. It would be legal for me to use my marijuana vaporizer. I could plug it in here. I could vaporize. Under your act, I could not vaporize in the same convenient fashion.

The act is not limited to just tobacco, and I'm very concerned about it. Under the act, a legal medical marijuana patient couldn't discuss with an employee, if they're going out to purchase one, which vaporizer best fits their budget. Now, we're hearing about vaporizers for e-cigarettes that are about \$90. I talked about the Volcano vaporizer, which is \$800, and the Herbal Air, which is \$300. Medical marijuana patients are paying high-end money for vaporizers that they want to talk to hemp employees about on how to properly use these devices. They need awareness.

Just in case I can't say it—and I'll say it now while committees are discussing it—marijuana THC boils off at 380 degrees Fahrenheit. We know this; we've studied this.

I've been involved in vaporizers for over a decade. We know it vaporizes at 380 degrees Fahrenheit. Terpenes in marijuana go off at about 188 degrees Fahrenheit, so as you increase your temperature, you're actually getting the medicinal effects, but only at 380 degrees Fahrenheit. You'll find a lot of your hemp employee stores in this city and in other cities know this. They can inform patients about the proper temperatures to vaporize at. My Volcano vaporizer goes up to almost 455 degrees Fahrenheit—which is clearly not the temperature I need; I need it at 380 or 400 degrees to get the proper vape.

That's the first concern, this idea that I can't have a discussion with this person about buying a vaporizer and how to properly use my vaporizer. It's clearly in the act.

The second one is I can't use my vaporizer that contains medical marijuana. You're limiting my access on where I can use medical marijuana. I should be able to use it in this room, if need be. I've used it at the Metro Toronto Convention Centre, I've used it at the Rogers Centre, and I've never had any complaints from anybody. Nobody around me has ever complained. Security, as soon as they find out it's medical marijuana, "It's okay, sir," because we're not covered under the tobacco act. This act would cover us.

Right now in Toronto, Niagara Falls, Hamilton, Kingston and St. Catharines, they have what are known as medical marijuana facilities. The city of Toronto, recognizing after a decade of having these medical marijuana facilities, recently did a study and determined that Torontonians need these vapour lounges, that they need to be able to go and use a vapour lounge to medicate when they're out in the city. There are several in our city in different neighbourhoods. Little Italy has a wonderful one, Kensington Market has a great one, downtown Toronto has a lovely one. I've used all of them. I use them almost weekly when I'm out and about in this city, because I know where they are. Again, under the act, these venues would be considered places of entertainment, and therefore would be covered under the act and would face the fine for having vaporizers on the table.

I'd like to congratulate the government on defining what a vaporizer is, because it's spot on. As someone who has been involved in vaporizers for 10 years, your definition is great. I can use it anywhere now when it comes to describing what a vaporizer is. However, the Volcano vaporizer is a medical device; it's class II. It's safety approved under EN ISO 601. Its quality management is DIN EN ISO 13485. Its medical conformity clinical evaluation is MD 93/42/EEC—

The Chair (Mr. Grant Crack): Thank you very much, Mr. Mernagh. I apologize for having to cut you off, but the time is up.

We'll start with the third party. Ms. Gélinas.

M^{me} France Gélinas: All right. If we want to try to find a compromise to help you—I don't want to put words in your mouth, but the first thing you would like is to continue to have access to displays and knowledgeable people who can help make an informed purchase for patients who need this.

Mr. Matt Mernagh: That would be a start, for sure, if patients needed to be able to make informed purchase decisions; the vapour lounges are important.

M^{me} France Gélinas: Okay. Would it make any difference to you if we say that you will continue to have access to knowledgeable people, but those people will be in a pharmacy rather than in a vapour lounge? Would that work?

Mr. Matt Mernagh: It has been my experience, ma'am, with medical marijuana that the most experienced people are those who are involved in it. It's unfortunate that the pharmacy and medical system—and I've engaged in it—just isn't there. They are just unaware of this product.

M^{me} France Gélinas: It doesn't work for you.

Mr. Matt Mernagh: It doesn't work. It's unfortunate.

M^{me} France Gélinas: Okay. I come from northern Ontario, and I can tell you that in Gogama, Westree, Shining Tree or Biscotasing we do have people who use medical marijuana, but we certainly do not have vapour lounges and there will probably never be one in Westree for the simple fact that there are no stores either. So what happens then?

Mr. Matt Mernagh: For those people, ma'am, you'd be surprised. Yesterday I met people from northern Ontario and we talked, and I do engage every day with people from northern Ontario who are coming to Toronto from 12 hours away. I've met people from North Bay, Sudbury, from the deep reaches of your riding.

M^{me} France Gélinas: So we bring flexibility as to the display so that you can still get the information you need to be able to purchase. And then you would like exemptions so that if you do have marijuana for medical reasons, you would be able to use it anywhere, like in schools with kids or anywhere at all?

Mr. Matt Mernagh: Well, ma'am, I'd leave that up to you, but I think there should be a pretty—I myself, and I think many medical people use responsibly and are looking for places outside the public eye, I guess. That's why I use a vaporizer.

M^{me} France Gélinas: Okay. Spell them out for me a bit.

Mr. Matt Mernagh: Spell out what the—

M^{me} France Gélinas: Which public places would meet the needs of the people you represent?

Mr. Matt Mernagh: I think anything above the age of 18 is fine with our people, ma'am.

M^{me} France Gélinas: Okay, so any places that are restricted to people over 18, then—

Mr. Matt Mernagh: That would be fine with us.

M^{me} France Gélinas: That would be fine. Okay. Thank you.

The Chair (Mr. Grant Crack): We'll move to the government side. Ms. Hoggarth.

Ms. Ann Hoggarth: Thank you for your presentation. It is a little different than the other presentations, and I thank you for coming forward.

I think it would be fair to say that you are an advocate for better health. Is that correct?

Mr. Matt Mernagh: Yes, ma'am, 100%. My health has tremendously improved under medical marijuana. You wouldn't believe the amount of medications I've stopped taking because of medical marijuana. My doctor actually finds me in better health now that I'm a 41-year-old male than when I was a 20-year-old male. It has been unbelievable how marijuana has helped me, and I agree with that statement.

Ms. Ann Hoggarth: Given the lack of scientific consensus on the health impact of e-cigarettes and the serious concerns that the World Health Organization, the Centers for Disease Control and others have expressed about the potential negative effects of e-cigarettes, do you believe the government is justified in regulating e-cigarette use?

Mr. Matt Mernagh: I believe if your legislation is intended for e-cigarette use and it's intended to regulate e-cigarette use, yes, ma'am. But the legislation is not intended to regulate e-cigarette use. It's very open-endedly written. I've reviewed it with—

Ms. Ann Hoggarth: But there is some flexibility, including—for what you have just brought forward—

Mr. Matt Mernagh: There isn't, ma'am.

Ms. Ann Hoggarth: Pardon?

Mr. Matt Mernagh: There isn't flexibility, ma'am, within that act. I disagree. I have constitutional lawyers who disagree too.

Ms. Ann Hoggarth: Would you like to send that to us?

Mr. Matt Mernagh: My constitutional lawyers' opinion?

Ms. Ann Hoggarth: Yes.

Mr. Matt Mernagh: I can contact NORML Canada and I'll gladly have them provide a constitutional legal opinion of your act, ma'am, which will show that you're impacting medical marijuana patients.

Ms. Ann Hoggarth: That would be great.

Mr. Matt Mernagh: Thank you, ma'am.

Ms. Ann Hoggarth: Thank you for your presentation.

Mr. Matt Mernagh: You're welcome.

The Chair (Mr. Grant Crack): Thank you, and we shall move to the official opposition. Mr. Hillier?

Mr. Randy Hillier: Thank you very much. I enjoyed your presentation. It opened up an area of this act that I wasn't well-informed about. I think it has enlightened a lot of people on this committee.

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I've not heard of people vaporizing medical marijuana. Why do you use a vaporizer for medical marijuana instead of the traditional—

Mr. Matt Mernagh: It's healthier for you, sir. You consume about half as much marijuana. Quickly to say, the heater on your joint is about 800 Fahrenheit, and I explained that it was 388 Fahrenheit, so I'm consuming a lot less cannabis. I'm also consuming it in a much healthier way. It's actually water vapour connected to the THC molecule, so you're inhaling actual water vapour with THC on it.

Mr. Randy Hillier: What about the smell? I've heard, in everything that I've read, that the tobacco vaporizers

or the nicotine vaporizers—there's no smell with them. What about with the medicinal marijuana vaporizers?

Mr. Matt Mernagh: It dramatically cuts down on my smell. It makes my neighbours in apartments much happier.

Mr. Randy Hillier: Right. Listen, I'll just say thank you for being here. It's a part of the act that I wasn't aware of. I think it's important that everybody on this committee understand fully how this bill will impact everybody, not just the big, broad subject that we may be thinking it impacts. Thank you.

Mr. Matt Mernagh: Thank you, Mr. Hillier.

The Chair (Mr. Grant Crack): Mr. Walker.

Mr. Bill Walker: I'd also like to thank you. This is something that certainly is brand new to me—an unintended consequence, perhaps, by the government, even. But it also then lends to why I felt it was so important this morning to put that motion on the table. What if we hadn't heard your compelling evidence? Fortunately we are able to today, but if you had been one of those other 100 that didn't, we would have missed this and we would have had a piece of legislation that once again denies you the right that you have under the Constitution, so thank you very much.

Mr. Matt Mernagh: Thank you, Mr. Walker. I think your point is right, spot on.

The Chair (Mr. Grant Crack): Thank you very much.

We have a couple of minutes. I believe there was a request from one of the members of the government for some information. This could apply to Ms. Stewart also, and Ms. Fry. I think there was a request for information. Feel free to send it to us, if you wish, to the Clerk so that she can distribute it to all members of the committee—by 5 p.m. tomorrow, the deadline.

Mr. Walker.

Mr. Bill Walker: Just a point of clarification: Also, your recommendation of those very specific exemptions, I think, are very helpful, and can be incorporated into the legislation as we move forward.

Mr. Matt Mernagh: Thank you, sir.

The Chair (Mr. Grant Crack): Thank you very much for coming before the committee, Mr. Mernagh.

According to the agenda—we have received word that Mr. Gough from Evape will not be able to make it in this afternoon.

INFINITE VAPER STINKY CANUCK

The Chair (Mr. Grant Crack): We are going to move, hopefully, to Infinite Vaper. Are they on the line? This is wonderful. I believe we have Ms. Kim Corcoran—she's the owner—and Rowan Warr-Hunter, who is co-owner of Stinky Canuck. Are you on the line?

Ms. Kim Corcoran: Yes, we are.

The Chair (Mr. Grant Crack): Thank you. Welcome. Where are you from, first of all? You have five minutes for your presentation.

Ms. Kim Corcoran: I'm from Kingston, Ontario, and he's from Trenton, Ontario.

The Chair (Mr. Grant Crack): Thank you.

Ms. Kim Corcoran: Ladies and gentlemen, thank you for the honour of being able to present today. My name is Kim Corcoran and I'm the owner-operator of All E-Cig Solutions on the Internet and of Infinite Vaper, a retail store in Kingston, Ontario.

Presenting with me today is Rowan Warr-Hunter from Stinky Canuck in Trenton. I am here twofold; one as a vaper and as a store owner. I am a compliant ECTA member and I recognize the need for regulations. I follow very strict standards as an ECTA member. I work diligently to make sure that my company complies with these standards. I know that you are not banning electronic cigarettes, but the bill, as written, is not conducive to helping people make the alternative choice to switch to vaping.

I am fully behind the age restrictions. My staff currently asks for proof of age to anyone under the age of 30. I fully agree that these products should not be promoted to children and that children should not have access to them. I believe that electronic cigarettes should be sold in an adult-only store where they can be viewed and given instruction.

Electronic cigarette products are just like cellphones; they are constantly changing. It is very important that each customer knows and understands what is available.

The way the bill is currently written, once passed, if someone came into my store, all of the cabinets would have to be blacked out. They would have to know exactly what they wanted. A new person to vaping needs guidance and instructions. You have to show them how to use the products to make them successful. Being able to use these products inside a store is very important. Individuals need to be able to be shown how they work.

I would like to briefly speak about e-liquids. Our e-liquid is tested every six months as an ECTA member. I know what is in my e-liquids, even trace elements, as we have it tested by Enthalpy labs, a Health Canada-approved site. We also use child-resistant caps. E-liquid contains products that are found most commonly in foods that we eat every day. The ingredients are propylene glycol, which is also used in asthma inhalers; vegetable glycerin, found in most canned foods we purchase; food-grade flavouring; and nicotine. All our e-liquid bottles are labelled with CCCR 2001-compliant labels, as per the regulations of ECTA.

We inhale vapour everywhere, every day, as we go. Vapour is not smoke. I will now turn the remaining portion of my time to Rowan Warr-Hunter.

Mr. Rowan Warr-Hunter: Thank you, Kim, and Chair and committee members. My name is Rowan Warr-Hunter and I'm a former smoker, a current vaper and a co-owner of an online store and retail location in Trenton, Ontario, both of which sell only personal vaporizers or electronic cigarettes.

Our business is also a compliant member of the Electronic Cigarette Trade Association, and I'm on the board

of directors of ECTA. Today I'm representing myself and my family's business as a personal vaporizer retailer.

This bill includes the common-sense measure to enact a ban on sales to minors. The entire vaping community and industry fully support this. It's already a standard practice throughout the industry in Canada and a requirement for members of ECTA.

Much has been said about concern for youth, and I agree that it's part of the role of the government to help protect our youth, but I do not believe that this bill will accomplish that any more than it would with a simple ban on sale to minors. The further restrictions will not be likely to prevent youth uptake, but they certainly discourage smokers from making the switch.

The other topic I would like to comment on is the gateway myth, that vaping will somehow cause people to start smoking. My response is that vaping almost certainly cannot lead to smoking and there is absolutely no data to support this theory. In fact, everywhere that vaping is increasing, smoking rates are dropping, which aligns with the overwhelming majority of evidence which shows that these products are a gateway away from smoking.

My recommendations on this bill are to amend the working of the display, promotion, prohibition and employer obligation sections to allow the use, display and/or promotion of vaporizers in private establishments which are age-of-majority only, such as specialty vape shops, provided they are not visible from outside the premises.

This change will help smokers choose the device they like suited to their needs. This encourages them to use the device and helps prevent relapse, as shown in an Italian anti-smoking study.

Section 8, regarding flavours, should be removed completely as flavours are a huge motivator for people switching to vaping. Everyone knows that tobacco tastes terrible, and having a selection of flavours allows smokers to find a taste they really enjoy, which helps them make the switch and also helps prevent relapse, as shown in a study by Dr. Konstantinos Farsalinos.

Finally, I'd like to quote from the conclusion of a 2007 study conducted by the International Journal of Drug Policy. The quote goes that the e-cigarette "has the potential to lead to one of the greatest public health breakthroughs in human history by fundamentally changing the forecast of a billion cigarette-caused deaths this century."

Please don't stand in the way of one of the greatest public health breakthroughs in human history. Please don't make it harder for people to choose a safer alternative. Please amend this bill.

Thank you for listening. I hope you will seriously consider my remarks and the suggestions for amendments. I welcome any questions you may have.

The Chair (Mr. Grant Crack): Thank you very much to both of you. We'll start with the official opposition. Mr. Hillier?

Mr. Randy Hillier: Thank you very much. It was a pleasure to hear from you today, to give us some insights. I want to ask you a question. Has anybody ever ap-

proached your retail facility, online or otherwise, and said to you, "I am not a smoker and I want to start vaping?"

Mr. Rowan Warr-Hunter: We have a very, very small number of people who are looking to it as an appetite suppressant or something like that, but our policy as a business is not to sell to non-smokers.

Mr. Randy Hillier: Oh, so you don't sell to non-smokers. That's interesting. I hadn't heard that before.

Mr. Rowan Warr-Hunter: The whole reason we started this business was to get people away from smoking. So if somebody tells us that they're not a smoker, we won't sell to them.

Mr. Randy Hillier: So just give me a bit of an indication, either percentage-wise or numbers, of how many people you may have come across who have not been smokers—

Mr. Rowan Warr-Hunter: Less than 1%.

Mr. Randy Hillier: Less than 1%.

Mr. Rowan Warr-Hunter: There are very, very few people who are interested in it basically just for the flavours.

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Mr. Randy Hillier: Right. And you don't sell to people who are minors?

Mr. Rowan Warr-Hunter: No. We don't even allow them in our premises.

Mr. Randy Hillier: Okay. I think there's general agreement from all sides that that is the correct way to go about it.

So you are providing a device to help smokers stop smoking. Can you give the committee any sense of the effectiveness for the people who are your customers?

Mr. Rowan Warr-Hunter: Well, we don't market it as a quit-smoking device—we market it as an alternative to smoking—but we do get tons and tons of feedback from our customers. I would say upwards of 60% of our customers return and tell us that they're not smoking anymore or they've greatly reduced the amount they're smoking. We hear all kinds of testimonials.

Mr. Randy Hillier: I guess there's something else that's been raised in the committee before. There has been some inference that if you're selling the juice for vaporizers that has nicotine, you're somehow working outside of the law. My understanding is that you don't need approval—there are approvals available, but it is lawful to sell products with nicotine.

Mr. Rowan Warr-Hunter: Health Canada has misclassified electronic cigarettes from the get-go. They are attempting or have tried to classify them as a medicinal product. In the United States they tried that; it was taken to court and overturned. In the EU they tried that; it was taken to court and overturned. They really don't fit the definition of a medical device. These aren't designed to treat or prevent any disease.

We're not marketing them as a health product. It's simply an alternative to smoking.

The Chair (Mr. Grant Crack): Thank you very much. Ms. Gélinas.

M^{me} France Gélinas: Continuing on what my colleague was saying—nice to talk to you—Mrs. Corcoran, when you went through the list of ingredients that are found, you mentioned flavouring and all of this; you also mentioned nicotine. So right now, some of the flavours that you sell have nicotine in them?

Ms. Kim Corcoran: Yes, we do.

M^{me} France Gélinas: And who is your supplier?

Ms. Kim Corcoran: Who is my supplier? We get it from various locations in Canada.

M^{me} France Gélinas: Can you name me one or two?

Ms. Kim Corcoran: I can provide the names to the committee. I don't have them with me in front of me right now.

M^{me} France Gélinas: And do you have any problems buying cartridges with nicotine in them?

Ms. Kim Corcoran: We don't sell them that way. We sell the liquid separately from the actual atomizer.

M^{me} France Gélinas: Okay, I understand that you sell them separately—most people do—but I'm more interested as to your supplier of nicotine-containing cartridges.

Ms. Kim Corcoran: They don't come that way. We have to purchase the nicotine separately. It is brought in, then it is added to the liquid here and then we distribute it out from there.

M^{me} France Gélinas: Oh, I see. And where do you get that nicotine?

Ms. Kim Corcoran: As I said, I will get you the names of the suppliers. I just don't have them in front of me right now. We use various ones.

M^{me} France Gélinas: Okay. I'm really happy that you make sure that you don't sell to minors. How do you—

Ms. Kim Corcoran: I don't allow children in my store.

M^{me} France Gélinas: But you also have an online business. How do you ensure that the people online are over 18?

Ms. Kim Corcoran: Normally, I have them submit their driver's licence before I mail it out online. If it's a repeat customer—I have many customers who order every month. When they're known, I don't bother asking for their ID because I know what they order, and if it was anything different, I would know; but for the most part, we do ask for driver's licences to ensure the age.

M^{me} France Gélinas: How do you know that the driver's licence that is sent to you is not from their mom or dad?

Ms. Kim Corcoran: Because it comes from their parents' bank account, so their parents would actually have to send it.

M^{me} France Gélinas: Say that again?

Ms. Kim Corcoran: It comes from their parents' bank account. It has to come from your personal bank account in order to come to me. We have age verification there as far as the driver's licence and we have the name on the bank account to know that it is the same person.

M^{me} France Gélinas: What is the markup in that business, in general?

Ms. Kim Corcoran: It depends on the actual product. Most markup is about 50% of what it costs.

M^{me} France Gélinas: Okay. And my time is up; sorry.

Ms. Kim Corcoran: Okay.

The Chair (Mr. Grant Crack): Madame Gélinas, I'd have given you another half a minute if you wanted, but thank you very much.

We'll move to the government side. I will go to Ms. McMahon.

Ms. Eleanor McMahon: Hi. It's Kim and Rowan; right?

Ms. Kim Corcoran: That is correct, yes.

Ms. Eleanor McMahon: Thanks for taking the time to present to us today.

Ms. Kim Corcoran: Thanks for letting us.

Ms. Eleanor McMahon: Oh, you're most welcome. It's important that we hear from you.

For the sake of clarification, just so we're clear—forgive me, Rowan; just in response to something you said—

Ms. Kim Corcoran: Hold on. I'm just going to give you to Rowan.

Ms. Eleanor McMahon: Okay.

Ms. Kim Corcoran: We're sharing a phone.

Ms. Eleanor McMahon: Oh, no problem.

Rowan, are you there?

Mr. Rowan Warr-Hunter: Yes.

Ms. Eleanor McMahon: Okay. Just so we're clear, you do understand that this legislation is not about banning e-cigarettes; right?

Mr. Rowan Warr-Hunter: That's right. I have read the bill thoroughly, and I know it's not an outright ban. My concerns are based around the fact that if this bill was in effect three and a half years ago, when I was still smoking, I more than likely would still be smoking today, because when I started vaping I had no idea what I wanted, what I needed. I didn't know a brand name.

The vast majority of customers who walk into our vape shop are in the exact same boat. If everything was hidden and I couldn't tell them a brand name or suggest a device to them based on what they tell me their smoking habits are, they're just going to go to the corner store and buy a pack of smokes, because it's what they know. It's easy, they don't need any instructions, and you can buy them on any corner in North America.

Ms. Eleanor McMahon: It's interesting. I don't smoke, but my observation is that you can't see cigarettes, either, when you walk into a store, and that doesn't appear to hurt the sales of them. But anyway—

Mr. Rowan Warr-Hunter: But you don't need instructions for cigarettes, right? You just pull it out of the pack and light it on fire. These are much more like cellphones or tablets. There's battery safety; there's charging. There's all kinds of information that we give people to make sure that they're using them safely, for one, and, two, that they're going to have success with them.

Ms. Eleanor McMahon: Right. So how do you do that online?

Mr. Rowan Warr-Hunter: Online? Mostly through emails.

Ms. Eleanor McMahon: I see.

Mr. Rowan Warr-Hunter: But that was the main reason we started this business, because three and a half years ago there were very, very few places that you could actually go to put your hands on devices and try out flavours. We were ordering all our own personal supplies off the Internet and getting lots of stuff that we weren't very impressed with.

Being able to try out products and sample flavours is huge. It increases people's success massively, because they can pick a flavour and they know they like the taste of it. They can pick a device and know that they like the feel of it in their hand. It's a huge, huge thing versus buying it off the Internet.

Ms. Eleanor McMahon: Right. Quick final question: Bill 45 has been drafted so that the government can make changes to its regulations should new evidence emerge. For example, if e-cigarettes were found to be helpful as smoking cessation devices, pharmacies might be allowed to sell them. Do you think that's a reasonable approach?

Mr. Rowan Warr-Hunter: Not really, because there are thousands and thousands of Canadians dying from smoking. This is clearly a safer alternative, so I think we should be promoting this—encouraging smokers to switch to this—until such a time that it's shown that it is harmful, and then put restrictions on it. There is absolutely no evidence that e-cigarettes are anywhere near as harmful as tobacco, so if anything you should be putting stronger restrictions on tobacco and encouraging smokers to switch to vaping.

The Chair (Mr. Grant Crack): Thank you very much.

M^{me} France Gélinas: Can I have my 30 seconds?

The Chair (Mr. Grant Crack): Well, I wish I could, but I was just trying to be nice.

I'd like to thank Ms. Corcoran and Mr. Warr-Hunter for being here with us this afternoon. We really appreciate your input into the bill.

Mr. Rowan Warr-Hunter: Thank you.

The Chair (Mr. Grant Crack): Have a good afternoon.

Mr. Rowan Warr-Hunter: You too.

The Chair (Mr. Grant Crack): Thank you.

MS. MARION BURT

The Chair (Mr. Grant Crack): Next on the agenda we have Marion Burt. I believe Ms. Burt is with us this afternoon. Come right up front. Welcome.

Ms. Marion Burt: Thank you.

The Chair (Mr. Grant Crack): You have five minutes for your presentation.

Ms. Marion Burt: I'm just going to start. Hi. I'm Marion and I'm a vaper.

Mr. Randy Hillier: You don't look like a vaper.

Ms. Marion Burt: Yes, clear skin and bright eyes. I am also a member of the Tobacco Harm Reduction Association of Canada, which is a consumer group for vapers.

I started smoking when I was 19, and I was a daily smoker for more years than I'm going to admit. I tried

repeatedly to stop; I tried everything available, and it worked for a couple of years, but I was always back.

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I was really getting desperate last year, and my doctor prescribed Champix. I filled it at quite a cost. I read the package and I thought that it would be irresponsible of me to take this. I'm a teacher. I could not have violent thoughts.

I was desperate and I started surfing the Internet. I heard about e-cigarettes which, by the way, I prefer to call personal vaporizers. I read about the millions of people around the world who had quit smoking and switched to PVs. I read current research by reputable scientists that showed that PVs are almost 100% safe—a lot safer than cigarettes—safe to the vaper and also to the bystanders. I decided to try them. I ordered a starter kit via the Internet. It arrived on April 27, 2014. I date my freedom from a horrible habit from that day because I have not wanted or smoked a cigarette since.

But, as the previous speaker said, I had some difficulties. PVs are pretty intricate. I thought I would illustrate what the last speaker said: You have this, you have this, you have this, you might have this, you might have this, and you have to take them all apart; you have to clean them periodically. You have to make sure that this of one brand fits this of another brand.

It's all pretty complicated. I was pretty frustrated. I had to clean them. I also had to learn how to inhale properly. I had some difficulties when I started.

But my big breakthrough came when I found a vape store. The staff very patiently told me how to use a PV, how to clean it—how to use it. They told me about new brands that were healthier, safer and gave me greater satisfaction. I visited several stores several times, and these people gave me the same attention and the same support. I still go to them for advice about flavours, about new models coming out, and I want to be able to continue to do that. Vape shops are like doctors' offices for vapers. We go there for reassurance and for support.

Reading section 3 of Bill 45—I don't know; I just have the impression that whoever wrote it doesn't know anything at all about PVs but assumes that they're similar to tobacco cigarettes. I just feel this is so wrong and dangerous. If you apply the same restrictions to PVs as you do to cigarettes, you'll prevent millions of smokers from saving their lives. As the previous speaker said, if the bill had been in effect a year ago, I would still be smoking cigarettes. I really think that applying all these conditions to a product that can save millions of lives would be sinful. I really feel that.

The vape shops are part of my healthy living. The vendors are all responsible people. They're mostly ex-smokers who care about smokers. They'll sell only the safest models and the best quality. They give the best advice, and this advice is so important because it makes the transition from tobacco to vapor smooth and easy. If you put these vape shops out of business, what's going to happen is that a new black market will open up, and there are a lot of do-it-yourselfers out there who will make the

wrong things, which undoubtedly will blow up from time to time, and now mix their own juices, which could also have bad effects. At least the vape shops control what we have.

I don't know what my time is. I don't know if I have a lot of time to talk about flavours. Do I have any time?

The Chair (Mr. Grant Crack): Well, it's up, but if you could just start to wrap up now, that would be much appreciated. We have a few extra minutes.

Ms. Marion Burt: Okay. It's just that flavours are really important. No teenager is going to want to vape Bubble Bars. It's childish. I love my Rice Krispy Treats and my strawberry vapes, and that's why I have not gained a pound in a year.

You know, I was a bit punchy last night, so I'll tell you the ending that I wrote. It was simply that I care about my own health. I care very much about the health of other smokers. I predict that if this bill goes into law, you will have another movement on your hands, and it will be called the vaperette movement. I'm quite willing to be the Emmeline Pankhurst of that movement. Thank you very much.

The Chair (Mr. Grant Crack): Thank you very much. We're going to start with Ms. Gélinas.

M^{me} France Gélinas: I start by saying congratulations, Mrs. Burt, for quitting smoking.

Ms. Marion Burt: Thank you.

M^{me} France Gélinas: It is not easy, and I congratulate you for having quit for—it will be your one-year anniversary next week?

Ms. Marion Burt: One year in a week, yes.

M^{me} France Gélinas: Yes, next week. Congratulations.

I know you don't have a crystal ball, and you've spoken passionately about wanting to continue this relationship with the vape shop. Do you see a day, a year, a time when you won't be vaping anymore?

Ms. Marion Burt: I don't have a crystal ball. I enjoy it. Maybe at some point I'll feel, "No, I don't want to do it anymore." I do know this: I will find it a lot easier to stop vaping than I ever could have to stop smoking. I now sit through a concert, and I'm not scrambling over the seats at halftime to get outside. I'm sitting, reading the program, because it's not the same. The chemicals are not in here as they are in the cigarettes.

Because of the safety issue, I just don't feel any push to quit. I enjoy it.

M^{me} France Gélinas: And you think that you will continue to enjoy it?

Ms. Marion Burt: Yes. I sit at my computer and I puff away at my Rice Krispy Treats and I don't eat them. Smokers get satisfaction from the sucking. Maybe our mothers didn't give us enough, but there's satisfaction in that.

With these things, it's innocent. It's not hurting us; it's not hurting anybody else.

M^{me} France Gélinas: How do you know that what is in those cartridges—how could you trust somebody who's not regulated, who could be very good, but it could also be his first day on the job?

Ms. Marion Burt: Well, there, I do have to take it on trust. I do; I trust them. I have relationships with the vape shops. I go to them and they tell me where they get them. I trust that they will only get their juice from a reputable supplier.

M^{me} France Gélinas: But you have no way of checking, do you?

Ms. Marion Burt: Sorry?

M^{me} France Gélinas: But you have no way of verifying that your trust is not—

Ms. Marion Burt: That's where I think the government should come in and make regulations to ensure that the juice is safe.

M^{me} France Gélinas: So you're not opposed to regulation of the industry.

Ms. Marion Burt: No, I'm not. I think that's the role of the government: to ensure that we are safe. I think they should have requirements for these so that they won't blow up—not that any have—and the juice meets a certain standard.

Now, right now, I do know that vape shapes have their stuff tested, and they guarantee. There was a recall of a certain custard flavour, and the one vape shop I go to now will not sell any of that type, just in case.

The Chair (Mr. Grant Crack): Thank you very much. We appreciate it.

We'll move to the government side. Ms. Kiwala.

Ms. Sophie Kiwala: Thank you very much for your testimony. You've spoken with a great deal of passion and you have said that you're an ex-smoker—that's great—who cares about other smokers. I am actually the same except I started a lot younger than you did. I was 10 when I started.

I totally sympathize with your cause and I think it's important to get as many people off smoking as possible, period. One thing that is critical about this bill is that responsible government should not leave health to chance for its citizens, and I think you could probably agree with that statement.

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Ms. Marion Burt: Absolutely, yes.

Ms. Sophie Kiwala: But you did say as well that you take it on trust with respect to the suppliers. If there isn't some regulation, then that's not really being responsible as a government, if we don't have that legislation in place. I wonder if you can speak to that. Do you feel that it's important for the government to create legislation that improves the health of citizens?

Ms. Marion Burt: Yes. That's kind of the role of government, to protect its citizens, I think.

Ms. Sophie Kiwala: As an ex-smoker like you, kind of, because you're still vaping—

Ms. Marion Burt: No, I'm not; I'm an ex.

Ms. Sophie Kiwala: But you're still vaping—as an ex-smoker, I feel that this is an important piece of legislation that will reduce the number of smokers. I think that some of the flavours you've talked about are something that will attract children and make them into smokers later. The evidence that we have collected from the Propel

institute, for example—not the hundreds of research reports that have been cited by the opposition, but that’s one in particular that suggests that children will be more encouraged to smoke.

Ms. Marion Burt: I’m sorry. I have not heard of any study that showed any children graduating from PVs to cigarettes. I have not heard of one.

Ms. Sophie Kiwala: Well, we can certainly provide you with that report.

Ms. Marion Burt: I would really love to see it.

Ms. Sophie Kiwala: I think you’ll find it interesting.

Ms. Marion Burt: In fact, the CDC in the United States came out yesterday with a report that vaping has increased among young people, but cigarette smoking among young people is at its lowest point in history.

Ms. Sophie Kiwala: There are some children at my daughter’s high school who vape, and they’ve started with vaping and—

Ms. Marion Burt: And have they gone on to cigarettes?

Ms. Sophie Kiwala: They didn’t start out as smoking cigarettes.

Ms. Marion Burt: But they are not smoking cigarettes now. Why would anybody do that?

Ms. Sophie Kiwala: I don’t know. Your guess is as good as mine. Probably the flavours have something to do with it.

The Chair (Mr. Grant Crack): Thank you very much. I appreciate that. Mr. Hillier from the official opposition.

Mr. Randy Hillier: Before I go into questions, I would maybe—as a point of order, if we could have that study that was referenced deposited with the committee so we could take a look at it.

The Chair (Mr. Grant Crack): Okay. There has been a request from a member of the committee for the report that Ms. Kiwala had made reference to—

Mr. Randy Hillier: —that shows moving from vaping to cigarettes: I’d like to see that one.

Listen, Marion, thank you very much. It’s wonderful to have you here. It’s wonderful to hear your story. I see so many people who have come before this committee who are saying that they’re there to improve people’s health, they’re organizations representing various different health organizations, but who are advocating for restrictions and legislation that would make it more difficult for people, such as yourself and many others, to access tools that are clearly the most effective, for yourself, anyway. It’s great to see that you’ve been off tobacco for a year now, or just about a year. Congratulations. But I would like you to just—the flavours. If only tobacco-flavoured juice was available to you, Marion, do you—and I know this is probably not a fair question or one that that can be 100% determined. If only non-flavoured or tobacco juice—whatever you call it—for your vaporizer was available, do you think your vapor-

izer would have been as effective in weaning you off tobacco?

Ms. Marion Burt: Absolutely not. The flavours—I have lemon, I have strawberry; I have Rice Krispy Treat. The flavours are a great part of the success of these things, of PVs. It just satisfies the taste buds and it satisfies the sensations of satisfaction. That’s the secret there. Also, as far as flavours go, you have to remember that in the juice, there’s no tobacco, so even the tobacco flavour is concocted.

But I will tell you something: When I bought my first PV, I ordered a couple of bottles of juice and I thought, “I’d better be safe. I’d better get tobacco just in case,” and I also got some fruit. I started the fruit and oh, it was so good. About five weeks later, I thought, “I’ll try the tobacco.” Do you know, it was like vaping dirty socks. It was just horrible. This is why I don’t know how anybody could go from these to cigarettes.

Mr. Randy Hillier: Right, right. That’s interesting. If you, for example, only had tobacco flavour to start with—

Ms. Marion Burt: Then probably I would keep vaping it, yes. That’s all I knew—

Mr. Randy Hillier: Or you would have thrown out the dirty socks and gone for the real cigarettes.

Ms. Marion Burt: Sure. If it doesn’t taste good, I’m not going to vape it.

The other thing that might happen is that, because all the ingredients of the juice are approved by Health Canada and are easily available, people will just mix their own.

Mr. Randy Hillier: This is one thing that I think is important. I think there is a value in this legislation if the government was looking at regulating the juice. The member from Kingston and the Islands referenced that. If this was actually making sure that the juice was to a particular standard, yes, I’d be in favour of that.

Ms. Marion Burt: I would be in favour of that too.

Mr. Randy Hillier: I think that would be a valuable course of action for the province to undertake, other than trying to prevent you from actually getting off tobacco.

Thank you very much, Marion; it was a pleasure to hear you today.

Ms. Marion Burt: Thank you very much for listening to me.

The Chair (Mr. Grant Crack): Thank you. We appreciated your comments this afternoon.

That concludes the delegations, presenters, for this afternoon. Tomorrow, we will reconvene at 4 p.m. in this room.

I thank all the members and staff, Hansard, the Clerks’ office and legislative research for all the hard work that you continually do on our behalf. Thank you very much. Have a great evening.

This meeting is adjourned.

The committee adjourned at 1747.

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ISSN 1180-5218

Legislative Assembly of Ontario

First Session, 41st Parliament

Assemblée législative de l'Ontario

Première session, 41^e législature

Official Report of Debates (Hansard)

Wednesday 22 April 2015

Journal des débats (Hansard)

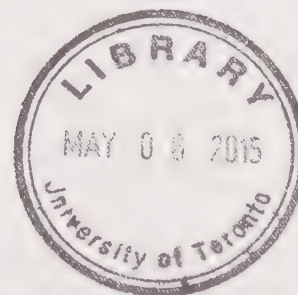
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Standing Committee on General Government

Making Healthier Choices
Act, 2015

Comité permanent des affaires gouvernementales

Loi de 2015 pour des choix
plus sains



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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Wednesday 22 April 2015

Mercredi 22 avril 2015

*The committee met at 1600 in room 151.*MAKING HEALTHIER CHOICES
ACT, 2015
LOI DE 2015 POUR DES CHOIX
PLUS SAINS

Consideration of the following bill:

Bill 45, An Act to enhance public health by enacting the Healthy Menu Choices Act, 2015 and the Electronic Cigarettes Act, 2015 and by amending the Smoke-Free Ontario Act / Projet de loi 45, Loi visant à améliorer la santé publique par l'édiction de la Loi de 2015 pour des choix santé dans les menus et de la Loi de 2015 sur les cigarettes électroniques et la modification de la Loi favorisant un Ontario sans fumée.

The Chair (Mr. Grant Crack): I'd like to call the meeting to order. This is the Standing Committee on General Government. I'd like to welcome all members of the committee, members of legislative research, the Clerks' office—and of course, Hansard—who do such great work. Welcome to the presenters as well. This afternoon we're here to receive delegations regarding Bill 45, An Act to enhance public health by enacting the Healthy Menu Choices Act, 2014 and the Electronic Cigarettes Act, 2014 and by amending the Smoke-Free Ontario Act.

I just wanted to bring to your attention that there is a very good chance of a vote this afternoon—an opposition day motion. We may lose some time, so with the committee's approval could we move from the three minutes, as agreed to before, down to, say, let's try two and half, in order to be able to fit that time in? Otherwise, we might drop off the last delegation, and that would be unfortunate if they make the effort to come. Having said that, Ms. Kiwala?

Ms. Sophie Kiwala: I have a point of order.

The Chair (Mr. Grant Crack): A point of order, Ms. Kiwala.

Ms. Sophie Kiwala: Chair, I would like to correct my record. Yesterday I referred to the Propel Centre's analysis of youth smoking survey speaking about flavoured e-cigarettes as a possible gateway to regular tobacco use. I misspoke. The Propel study examines flavoured tobacco, not flavoured e-cigarettes.

However, I know that the member for Lanark-Frontenac-Lennox and Addington, in a point of order,

asked me to provide a study suggesting that e-cigarettes may be a gateway to regular tobacco use for youth, since he believed that no such study exists. I will provide the committee with three. I am providing the committee with a study: A Molecular Basis for Nicotine as a Gateway Drug, published in the New England Journal of Medicine in September of 2014, which concludes that nicotine acts as a gateway drug on the brain. This effect is likely to occur whether the exposure is from smoking tobacco, passive tobacco smoke, or e-cigarettes.

I'm also providing the study Risk Factors for Exclusive E-Cigarette Use and Dual E-Cigarette Use and Tobacco Use in Adolescents, published in Pediatrics in December of 2014, which suggests that e-cigarettes are recruiting medium-risk adolescents who otherwise would be less susceptible to tobacco product use.

Finally, I am providing a study from the Centers for Disease Control and Prevention, published in Nicotine and Tobacco Research in August of 2014, which found that in a nationally representative sample of middle- and high-school students who had never smoked cigarettes, youth who had used e-cigarettes were nearly two times more likely to have intentions to smoke conventional cigarettes than youth who had never used e-cigarettes.

I have those here.

The Chair (Mr. Grant Crack): Thank you very much, Ms. Kiwala. The first part of your point of order was a point of order. The second part and the explanation of the studies that you're going to show are not a point of order.

Ms. Sophie Kiwala: Sorry. Okay.

The Chair (Mr. Grant Crack): But thank you very much for that. We'll accept the point of order on correcting your record.

UK CENTRE FOR TOBACCO
AND ALCOHOL STUDIES

The Chair (Mr. Grant Crack): At this particular time, I shall call upon Mr. Britton via teleconference. He's from the UK Centre for Tobacco and Alcohol Studies. I'd like to remind members of the committee that his presentation and/or information is just under your agendas in the first pack. Mr. Britton, are you with us?

Dr. John Britton: Yes, I am. Thanks.

The Chair (Mr. Grant Crack): Welcome, sir. You have five minutes to make your presentation, followed by

two and a half minutes of questioning and/or comments from the three parties involved.

Dr. John Britton: Okay; thank you. In view of the time shortage, I'll move very quickly. The information I would give is a very brief summary of the paper prepared for publication for Public Health England by myself and Ilze Bogdanovica about a year ago.

The thesis of the paper is that smoking kills a lot of people. There are 10 million smokers in the UK; half of those will die from smoking unless we do something about it. Every year, smoking recruits tens of thousands—or hundreds of thousands, even—of new smokers in our country. There will be high figures in Canada too. That damage is caused not by nicotine, which is not a harmless drug but is relatively harmless; it's because of all the other things in cigarette smoke that come with the nicotine. So nicotine addiction itself is not such a terrible thing, but smoking tobacco for it is pretty bad.

Electronic cigarettes have arrived over the last 10 years and taken the market by storm, really. I won't go into the detail of the different designs of the use; they are getting better in terms of nicotine delivery as time passes. They're not safe. What we do know about them suggests that they deliver a similar spectrum of chemicals and toxins to tobacco within much, much lower concentrations. I would expect that with a lifetime of use, an electronic cigarette will increase the risk of lung cancer, COPD and heart disease possibly, but that that increase in risk will be trivial, and certainly trivial compared with that of smoking. So as a substitute for smoking, these products, however hazardous they prove to be, are a very sensible choice to the smoker.

In England and in the United States, they have been taken up substantially by smokers. The important thing there is that they demonstrate that smokers want a substitute for tobacco. Most smokers in most surveys want to quit smoking, but many don't find medical routes out of smoking terribly attractive. Cold turkey is the preferred attempt but is extremely unlikely to succeed.

The principle of harm reduction, of supplying smokers with nicotine from an alternative source that is socially acceptable and preferably not medicalized, is proven in Sweden and other Scandinavian countries, where Snus has become almost the majority product for people who use nicotine. Snus, although like electronic cigarettes is not safe, has remarkably less risk to human health. That is why Sweden has the lowest cancer rate in young adults in Europe.

What it also proves is that if you give smokers an option which they buy in a corner shop, not in a pharmacy, and which is freely available, and it's socially acceptable to go out and use Snus with your friends when they're smoking, they will do it. Electronic cigarettes sort of fit that need, but do it with a cleaner product.

The potential hazards or the hazards from the product itself which I've alluded to—and then there are the consequences for smoking patterns. In smokers, the evidence in the UK is that about 20% of smokers now use electronic cigarettes on occasion and about 700,000 or

7% of all of our smokers have quit using electronic cigarettes exclusively, and that's more than we achieved by other tobacco control measures as a single initiative—a very quick initiative.

The much-voiced worries that smokers will dual-use instead of quit: Dual use of nicotine replacement therapy is actually recommended in our health guidelines at the National Institute for Clinical Excellence because we know that people who dual-use are more likely to quit. So smokers who use electronic cigarettes and real tobacco for a period are much more likely to quit than those who don't.

There's the issue of gateway use, and I disagree with the interpretation. While there are newer CDC figures published just in the last few days which are very similar to those in the UK which demonstrated that among young people the majority of those who use electronic cigarettes are those who live in families where cigarettes or electronic cigarettes are used and are, therefore, at high risk of taking up smoking anyway, the great majority of use in young people is amongst people who already smoke, and use among non-smokers is pretty negligible. It is growing and it may become a problem, but it's pretty low-key at the moment.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Britton. I apologize. As Chair, I have to keep a strict schedule here. So we'll begin—

Dr. John Britton: Okay. Well, I'm pretty much done. So they're a good thing, and you need to—I think the right regulation for them is regulation that makes them easily available to smokers and not hard for them to use and choose. Sorry if I've overrun.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Hillier.

Mr. Randy Hillier: Thank you very much, Dr. Britton, for joining us today and clarifying some of those things. I have mentioned—I've seen some of your work, and one of the things that we've seen in your work is that more people have quit smoking using e-cigarettes or vaporizers than all other alternatives from your studies. It's interesting—you mentioned that there's a newer CDC report that was issued a few days ago that demonstrates that vaporizers or e-cigarettes are not a gateway into tobacco but more a gateway away from tobacco?

Dr. John Britton: Yes. I only came to see these figures in the last few days. I'm not sure when—I think they emerged in the last month, anyway. They show an increase in the use of electronic cigarettes in US high school students between 2011 and 2014, from about 2% to about 13%, and that is interpreted by CDC as a sign that electronic cigarette use will lead to smoking.

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But in the same survey, the smoking rates in the same age group have dropped from about 16% to about 9% over the same period. So what we're seeing, actually, is a switch from tobacco to electronic cigarettes, and that's a good thing.

Mr. Randy Hillier: You use the terms that nicotine itself, of course, is not the harm in tobacco, and—I think

you used the word—that any medical worries about vaporizers or e-cigarettes would be “trivial.”

Dr. John Britton: The nicotine itself is probably about as hazardous as caffeine. Worries about the other constituents in the vaporizers should be proportionate to how clean the nicotine vapour they produce is, and of course, there's a huge variety in the products on the market.

We have companies, both pharmaceutical and others, with medicinal-grade products in the pipeline. I think that when they come, that will be quite a relief and will solve or resolve all these issues about how safe the product is. They'll then be as safe as they can be.

Mr. Randy Hillier: Thank you very much. I wish I had more time, but the Chair has given me the cut-off.

Dr. John Britton: Thank you.

The Chair (Mr. Grant Crack): Ms. Gélinas.

M^{me} France Gélinas: Thank you for your presentation. We are about to regulate e-cigarettes in Ontario. Just to be able to draw a parallel: In England, are people allowed to smoke in restaurants and bars?

Dr. John Britton: Smoke tobacco? No. We've had comprehensive smoke-free policies since 2007.

M^{me} France Gélinas: Are they allowed to use e-cigarettes in restaurants and bars?

Dr. John Britton: There's no law forbidding it. What happens is, it becomes an issue of courtesy. I have, once or twice, gone into a pub where someone has been using the product—in fact, in my local pub—and they were asked to stop by the landlady, and that was that. So it isn't actually a problem.

But there are indoor settings where I think it could be extremely useful if they were available, and they include prisons, mental health settings and other places where you have disadvantaged people with a very high level of smoking.

M^{me} France Gélinas: Here, we're not allowed to smoke within five metres of an entranceway; that would be about 12 feet. Do you have similar legislation in the UK?

Dr. John Britton: No. If the owner of a premise owns that part of the outside area, then yes. But no, smoking on pavements is still allowed, although some cities, including Nottingham, are now moving toward smoke-free outdoor areas too.

M^{me} France Gélinas: What kind of regulation exists in the UK? Are youth allowed to buy them and use them?

Dr. John Britton: They are at the moment, but we will have an 18 limit from October, which is something I entirely support. We will also have tighter restrictions on promotion, to stop them being used, particularly as a medium to sell cigarettes through the back door. So we are putting in controls to protect young people and children, but I think these are proportionate controls.

What we don't want—and what I would counsel against; that's why I contacted you—is regulation that makes it hard for smokers to make the sensible choice to switch to electronic cigarettes.

M^{me} France Gélinas: I just want to make sure: The answer you just gave was for e-cigarettes, not for normal cigarettes.

Dr. John Britton: Sorry, say again? The answer on?

M^{me} France Gélinas: The answer you just gave me about regulations coming in the fall for young people not being allowed—

Dr. John Britton: Oh, sorry. No, young people can't buy cigarettes. They haven't been able to for a long time, since 2007. We went up from 16 to 18. But for electronic cigarettes, at the moment they can, but there's a voluntary code that they shouldn't, and it will become law from October.

M^{me} France Gélinas: Thank you.

The Chair (Mr. Grant Crack): From the government side: Ms. Kiwala.

Ms. Sophie Kiwala: Thank you very much for being with us today in voice—the voice of Dr. Britton, from Britain; that's great.

Dr. John Britton: Thank you.

Ms. Sophie Kiwala: One of the things that I wanted to bring forward is that there's a lot of conflicting evidence about e-cigarettes, which is one of the reasons why we're looking at this legislation. It seems to all boil down to each of our interpretations of the limited amount of evidence.

I know that all of my colleagues in the Legislature are here in this role because they want to do the best for their citizens. I need to reiterate that this is precautionary legislation that we're bringing forward.

Having said that, you've made some very impressive claims about the effectiveness of e-cigarettes as an alternative to cigarettes in Britain. But a study of English smokers just published in the journal *Addiction* found that regular e-cigarette use was associated with more smoking cessation attempts, not actual cessation.

Another study of English smokers published in *Nicotine and Tobacco Research* found that non-daily users of the most popular kinds of e-cigarettes were actually less likely to quit smoking than people who had never used e-cigarettes at all. How do you reconcile your claims with those peer-reviewed studies?

Dr. John Britton: Taking the second one, I think people who used to try it, don't get on with it. I'm a clinician; I see smokers. I say, “Have you used electronic cigarettes?” “Yeah, I've tried it. It didn't work.” So people who don't find them effective will not use them regularly, and they need other help. But for those who do try them and use them regularly and exclude tobacco smoking, then they are a route out of smoking. As I've said, that has happened for three quarters of a million smokers in this country.

However, the other key thing about electronic cigarettes, as applies to Snus as well, is that these products are applying across the whole spectrum of smokers. It's not those who go into their family doctor to say, “Hey, I'm thinking of stopping smoking. Will you help me?” It's not that population. It's the rest who never engage. So you have a great deal of experimentation amongst smokers to see whether these products work. It doesn't necessarily mean that it's the right one for them or it's an

effective substitute for everyone. I've seen the figures, and I would take them with a pinch of salt.

The final thing to say is—

The Chair (Mr. Grant Crack): The final comment, sir.

Dr. John Britton: —that one solution to that, I suspect, is to build electronic cigarette use into the services that we provide for smokers, because they can be used with nicotine replacement therapy as a supplement and a socially acceptable supplement. So there are other ways around it.

The Chair (Mr. Grant Crack): Thank you very much for joining us, Mr. Britton, this afternoon. It's much appreciated. We enjoyed your comments.

Dr. John Britton: Thank you very much. Thanks for the invitation.

The Chair (Mr. Grant Crack): You're quite welcome.

Dr. John Britton: Bye-bye.

The Chair (Mr. Grant Crack): Bye now.

CANADIAN CANCER SOCIETY, ONTARIO DIVISION

The Chair (Mr. Grant Crack): Okay, from the Canadian Cancer Society, Ontario division, we have Joanne Di Nardo, senior manager of public issues. Welcome.

Ms. Joanne Di Nardo: Thank you.

The Chair (Mr. Grant Crack): You have five minutes.

Ms. Joanne Di Nardo: Good afternoon, Chair and committee members. I'm Joanne Di Nardo, senior manager of public issues at the Canadian Cancer Society, Ontario division. Thank you for the opportunity to speak to you today about how we can work together to build a healthier Ontario.

If passed, Bill 45 will prevent youth smoking, regulate e-cigarettes and help reduce obesity by giving Ontarians the information they need to make more informed dining choices.

The Canadian Cancer Society applauds Bill 45. We hope that the government will act quickly to pass and implement it, knowing that it has strong support from all political parties and Ontarians. The quick passage and implementation of this legislation will further protect youth from starting to smoke and would be groundbreaking for tobacco control in Ontario, across the country and globally.

It has been a long time that we've been advocating for a ban on youth-friendly flavoured tobacco, so it's not a surprise that we are very pleased with this legislation. The ban was tried both provincially and federally in 2010 but proved to be unsuccessful when the tobacco industry exploited loopholes in the legislation to keep their products on the market.

Flavoured tobacco products are no longer niche products; they are widely used by the majority of youth who use tobacco products. In Ontario, more than 57,000 youth in grades 6 to 12 have reported using a flavoured tobacco product in the last 30 days.

The inclusion of menthol in Bill 45 is both progressive and necessary. The rising use and popularity of menthol cigarettes amongst youth is concerning. More than 19,000 Ontario youth, or one in four who report smoking, say they are smoking menthol cigarettes. The society encourages the government to not delay the implementation of a menthol ban. The menthol ban should be implemented at the same time as the flavoured tobacco ban to both reduce public confusion and to prevent the tobacco industry from having more time to find new ways to target our youth.

One item not captured in Bill 45 is how to contend with flavoured cigarette papers that are currently available for sale in Ontario. A ban on flavoured cigarette papers when sold separately is included in US national legislation and in the recently introduced Bill 90 in Nova Scotia, and that's undergoing hearings as we speak. The society recommends that the committee consider including flavoured cigarette papers in the flavoured tobacco ban.

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Also important is that nearly four in 10 students believe smoking a water pipe is not as dangerous as smoking cigarettes, a belief that is simply wrong. Hookah lounges are becoming increasingly popular in Ontario, especially among youth. Some shisha contains tobacco and some, called herbal shisha, does not. Both are often smoked in cafés and restaurants. Hookah lounges are circumventing the Smoke-Free Ontario Act by claiming that shisha is an herbal mixture, yet tobacco enforcement officers have found there to be tobacco in the shisha mix, or sold to accompany the mix. This is particularly concerning as there are no age restrictions at hookah lounges for hookah smoking.

Studies from various jurisdictions have made clear that water pipe emissions, whether from shisha containing tobacco or from herbal shisha, are hazardous to anyone exposed to them, either by first-hand or second-hand smoking. We recommend that regulatory authority to control the indoor combustion of organic substances other than tobacco, like shisha, be added to Bill 45, so that an appropriate consultation on regulatory action on water pipe use can occur.

We welcome the proposed regulations on e-cigarettes. There's significant confusion over the legal status, and it's difficult for consumers to know with certainty what is in an e-cigarette. Concerns have been raised over the toxicity of nicotine vapour, other by-products of vaping and the health risk to non-users. Banning the sale of these products to youth is a necessary measure to curb youth smoking.

We would not object if an exemption on the display of products in speciality e-cigarette stores were to be made, given that certain conditions are met. These conditions have been outlined in detail in a letter sent to committee members here from the Ontario Campaign for Action on Tobacco. As we are a member of that coalition.

We strongly encourage the committee not to dilute Bill 45; keep it as strong as possible to have the maxi-

mum impact in the fight against cancer. Upon proclamation, Bill 45 should be implemented as soon as possible. This bill is about cancer prevention and public health, safeguarding our youngest citizens.

Cancer is the single largest killer in Canada and the disease that is most feared by Ontarians. Each year we lose 13,000 Ontarians to tobacco use and our government spends \$1.9 billion in direct health care costs. Today, 11% of Ontario youth in grades 6 to 12 have reported using tobacco in the past 30 days. That's from the Youth Smoking Survey. With the vast majority of smokers starting before the age of 18, the need for stronger youth smoking prevention measures is great.

I would like to thank you for your time, and I'm happy to answer any questions.

The Chair (Mr. Grant Crack): Great job; right within time.

Ms. Gélinas.

M^{me} France Gélinas: Pleased to see you, Joanne. My first question is a question I've asked pretty much everybody that has presented: Can you think of any reason why we should delay the ban on menthol? The ban on all of the flavours is contained in the bill, it's clear, but could you see any reason why we should delay the ban on menthol?

Ms. Joanne Di Nardo: We do not see a reason why we should delay the ban on menthol. If we're looking at Nova Scotia, for example—their bill has received second reading—they have included menthol with their flavoured ban. We would recommend that we see the same thing here in Ontario.

M^{me} France Gélinas: We often hear about: If we ban flavours, if we ban menthol, then people will go to the black market. Do you really think that this is an exercise in futility?

Ms. Joanne Di Nardo: I think the most important thing is that we're preventing youth from smoking. We know that menthol is being smoked by young people, and not all young people live next to smoke shacks. We don't think that will be the case, and we think it will prevent cancer in the end by banning menthol.

M^{me} France Gélinas: Okay. When it comes to the banning of the hookah pipes, I support the way you were going. There are also vapour lounges. Does the Canadian Cancer Society, or the Ontario division, have a position on those?

Ms. Joanne Di Nardo: We should be looking at age restrictions with regard to vapour lounges. Really, it is indoor smoking, and we don't know what's in those products. So we should seriously be looking at the regulation, or the complete outright ban, of those products. If we look at other jurisdictions, in Middle Eastern jurisdictions, or like Turkey, they have severely regulated shisha and hookah use.

M^{me} France Gélinas: Thank you.

The Chair (Mr. Grant Crack): We'll move to the government side. Mr. Rinaldi.

Mr. Lou Rinaldi: Thank you very much, Joanne. Great to have you here. Thank you for all the work at the

Canadian Cancer Society. I have a couple of advocates in my own riding. You might recognize these people: Jeff Brace and Karen White—

Ms. Joanne Di Nardo: Yes, we do.

Mr. Lou Rinaldi: I can tell you, they're attached at my hip. Jeff is a Rotarian, in the same club I belong to, and not one Friday morning goes by that we don't talk about the good work that the Canadian Cancer Society does, so thank you for that.

I know you touched on this in your opening statement, but can you—when we hear that there is scientific evidence that indicates e-cigarettes are not a health risk—we hear this every day. Can you elaborate, from the work that the Canadian Cancer Society has done, that there is a risk, I guess? Can you elaborate on that at all?

Ms. Joanne Di Nardo: There's a lot we don't know. They're less risky, it's true. They're less risky than a regular cigarette, but there's still a lot we don't know. There's a lot of research that needs to be done. This precautionary approach that's being assumed here in this legislation is a good one because we don't know, because there could be a risk and because they could be a starter product.

Mr. Lou Rinaldi: Following that: Did the Canadian Cancer Society do any work—we've heard from a previous deputation from the UK that this will help in cessation, that it's better than smoking cigarettes. Do we have anything about that?

Ms. Joanne Di Nardo: The same studies we would refer to are the ones that MPP Kiwala referred to in her questioning previously, though that study in Addiction and that study in the American Journal of Public Health has shown they're not really effective in cessation. We need more to find out.

Before we even go there, I think we need to understand that this product is not yet approved for use in Canada as a cessation product. We're not even there yet. That needs to happen before we start having that discussion.

Mr. Lou Rinaldi: Thank you, Chair.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Rinaldi. Mr. Walker.

Mr. Bill Walker: Hi, Joanne. How are you?

Ms. Joanne Di Nardo: Hi; good. How are you?

Mr. Bill Walker: We seem to speak on the same topic often.

I just want to cover a couple of things. One of the things I'm struggling with—and it's been interesting to hear all the deputations. You know how strongly I am against smoking, period, having lost my sister to lung cancer. But when you say "youth-friendly"—we've heard a lot of deputations saying the flavoured e-cigs are actually helping them quit smoking, so I've got a real dilemma: If that's going to help them—and the proof is out right now whether it's good or bad for them, but at this point, if they're stopping smoking, I think that's a step in the right direction.

I applaud the whole idea of the youth, but I think we have to be very conclusive of whether we're also prohibiting others that might be helping their health care.

I'm glad to see about the exemption on the products because I just actually had a briefing from the minister's staff and clarified some of that stuff, that, again, you can see alcohol at a Raptors game being advertised—to prohibit this—sometimes I think they've gone overboard in very small mom-and-pop shops. I want to see that happen.

Two of the things that I've certainly raised in the House and in this committee are—and I'd like to get your feeling on them. One of the things is that they have not included any type of a ban to make it illegal for youth to possess, use or sell cigarettes, which I believe is actually much more prohibitive. We have it with alcohol and it seems to work pretty good. If you get caught with it, there's a fine; there are reprimands. Would you support that being included in this bill?

Ms. Joanne Di Nardo: I wouldn't.

Mr. Bill Walker: You wouldn't?

Ms. Joanne Di Nardo: Would I support a ban on youth possessing tobacco?

Mr. Bill Walker: For legislation to be created so it would make it illegal for them to possess or sell.

Ms. Joanne Di Nardo: No, I wouldn't support that.

Mr. Bill Walker: You would not support that?

Ms. Joanne Di Nardo: No.

Mr. Bill Walker: Can I ask why?

Ms. Joanne Di Nardo: Because we've spent a lot of time trying to de-normalize the tobacco industry and to really point fingers at the industry for addicting our young people. As soon as we point those fingers at youth, we take the finger away from the industry, and the industry will continue to create products that are attractive to youth and get our youth addicted.

Also, there are other jurisdictions in Canada that have this type of legislation. I think Edmonton in Alberta, for example; Edmonton and—I forget the other jurisdiction at this point. But anyhow, what we found from those western provinces is that we don't have any reports of success. There's no great success there.

Mr. Bill Walker: I'm not suggesting it's an either-or, but I think it could have actually been something that would help make healthier choices, to make that illegal. We've all been youth. I didn't drink before because I was worried about getting caught. If you can smoke and have that in a schoolyard, I'm concerned.

In a similar vein, the other one that certainly is a concern is the contraband. I have two teenage boys. This doesn't have to be anecdotal or science-based. This is two people that I know pretty well saying to me, "Dad, most of the youth smoking that is happening isn't from e-cigarettes or from flavoured cigarettes; it's from buying a bag of 200 cigarettes for eight bucks as opposed to a carton for \$90."

Again, would you support contraband being part of legislation that would actually help to ensure that our youth do not have any easier access to tobacco?

The Chair (Mr. Grant Crack): Quick final comment.

Ms. Joanne Di Nardo: Yes, we definitely have some measures already in place, and we are in constant

communication with our Ministry of Finance and others about controlling contraband and further measures. We definitely support the continued controls around contraband.

Mr. Bill Walker: Thank you very much, and thanks for your efforts.

The Chair (Mr. Grant Crack): Thank you very much, Ms. Di Nardo, for coming this afternoon before committee. We appreciate it.

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RETAIL COUNCIL OF CANADA

The Chair (Mr. Grant Crack): Next we have the Retail Council of Canada. We have Alison Baxter, director of health and safety and industry relations; and Gary Rygus, director of government relations. Welcome to the two of you. You have five minutes.

Ms. Alison Baxter: Thank you for the opportunity to present to this committee today on Bill 45. My name is Alison Baxter. I'm the director of health and wellness and industry relations at the Retail Council of Canada. With me is Gary Rygus, our director of government relations, Ontario.

We'll be focusing our comments on schedule 1, the Healthy Menu Choices Act, 2015.

The Retail Council of Canada has been the voice of retail since 1963, and we have members who operate more than 45,000 storefronts nationally, 17,000 of which are here in Ontario. RCC represents Ontario's grocery retailers, with our members accounting for over 90% of grocery retail sales.

We wanted to begin our comments by indicating our support in general for menu labelling as an option to provide calorie information and enable Ontarians to make informed food choices.

Retailers have been active participants in supporting the health and wellness of Ontarians, both collaboratively as an industry, and as independent companies. They're also committed to ensuring that customers have accurate information that helps them make informed choices.

As the primary focus of this bill is for chain restaurants, it was drafted with that business model and consumer experience in mind. Although you can purchase ready-to-eat meals from the home-meal-replacement counter of a grocery store, behind the scenes, the operations are very different, from the highly regulated environment to product variability and the broad range of size and combination options. As a result, if menu labelling is to apply to grocery stores, it cannot be a one-size-fits-all solution.

RCC is recommending amendments and actions to ensure that the legislation will support consumers in making informed food choices; recognize the unique operations of grocery retail; be feasible to implement and enforce; and not conflict with existing federal requirements.

Given the time constraints today, we will focus on a few key points, and would direct committee members to

our written submission for more detailed recommendations.

The vast majority of products seen in the grocery store have nutrition labelling governed by the federal Food and Drugs Act and its regulations. It is absolutely essential that the Ontario government work closely with Health Canada and the Canadian Food Inspection Agency to ensure that the regulations for Bill 45, if passed, do not have unintended consequences or place retailers at risk of non-compliance.

It's also important to note that these items were explicitly excluded from the nutrition labelling requirements of the food and drug regulations due to the complexities inherent in providing this information for these items at the retail level.

One of our sector's largest challenges with the proposed bill is the vague definition of "standard food item," and understanding how this will apply to the unique operations of grocery retail. This definition, combined with the signage provisions, would require every item, size and potential combination to be labelled, posing significant implementation challenges. For example, consider the following common grocery retail items:

- fruit and vegetable trays, where the content is not standardized;

- combination meals where the sides are selected from multiple options, resulting in a high number of potential variations;

- family meals, such as a rotisserie chicken with vegetables and potatoes, where providing the calorie count for the whole meal would be misleading as it's not intended for a single person to consume in one sitting;

- sandwiches, where an ingredient like the cheese may change due to availability at the retail level;

- multiple sizes for items like take-away soups, where many containers are intended to be multi-serve, or containers where the customer selects the amount, and no standard serving size exists.

Our written submission outlines specific challenges and further examples, but as you can see, the unique grocery environment presents challenges.

The government must clarify the definition of "standard food item" to reflect the operations of grocery retailers by indicating that food items made in-store from non-prepackaged foods are not captured, as they are non-standardized; that "standardized for portion" intends single servings; and that only items that are marketed intentionally for single-serve are captured—for example, exclude produce, bakery, bulk bins, deli meats etc.

Not addressing these potential operational differences would significantly impact grocery retail operations, and we do not believe that that was the government's intent.

With respect to menu boards and signage, we would recommend that the provisions take an outcomes-based approach rather than the prescriptive nature of the bill. The objective is for customers to have information on calorie content of foods at point of purchase. This can be achieved in many different ways, and the differing layouts of grocery store deli and HMR counters requires flexibility.

While restaurants typically identify their foods and pricing with a single menu board and/or menu, grocery stores identify foods and prices through individual shelf tags, product signs, menu boards and pamphlets. Furthermore, there are regularly 100 to 150 items of hot and cold deli items that can potentially change on a regular basis. At a minimum, more compliance options should be included and the provision should be changed to allow for the use of the option that works best under the circumstances.

Maintaining section 5, as written, rendering any municipal bylaws that would impose similar requirements inoperative, is essential to retailers' continued support of the proposed legislation.

We would ask that the regulations apply only to items that are available for a minimum of six months. This would allow grocery retailers to continue to innovate, test new items with consumers and offer new seasonal specials. Should those items become standard menu items, the menu labelling rules would of course then apply to them. Additional proposed exemptions are highlighted in our full submission.

We strongly encourage the government to maintain the current focus on calories. The government should take the time to understand how the legislation works focused on calories before potentially expanding the scope.

We would like to thank the committee again for the opportunity to share grocery retail's perspective on Bill 45. We look forward to continuing to work with MPPs and the government on this initiative. We would welcome your questions.

The Chair (Mr. Grant Crack): Thank you very much, Alison. You are a speed reader out loud. That was great.

Ms. Alison Baxter: I was trying to fit it in the five minutes.

The Chair (Mr. Grant Crack): Good for you, and right on time, by the way. So we'll start with the government.

Ms. Ann Hoggarth: Good afternoon. Thank you very much for your presentation. You packed a lot in there. Could you tell me, please: Were you consulted by the government on the proposed menu labelling legislation?

Ms. Alison Baxter: Yes.

Ms. Ann Hoggarth: Thank you. I think you said that you believe that calories are the most appropriate nutritional information to post on menus.

Ms. Alison Baxter: Yes.

Ms. Ann Hoggarth: Okay. Bill 45's menu labelling is not overly prescriptive; rather, implementation will be detailed through regulation, giving the government flexibility to respond to the many challenges that you outlined—and a lot of them there. Are there any particular concerns that are the most important concerns you'd like to see addressed through regulation?

Ms. Alison Baxter: Through regulation, there's certainly a long list of concerns. I think, though, that the most important are around those questions we raised

about the unique situation in grocery retail, where you really do have a lot of variability. It's not quite like the restaurant setting, where the dishes are standardized. There could be variability in terms of the ingredients. There's variability in terms of how often things change. When you start talking about combination meals, there are so many different variations that something like that that might work in a restaurant setting doesn't quite apply to retail. Really, I think I would describe it more broadly as having the opportunity to work with government on the regulations, to understand the retail operations and make sure that there's a set of regulations that works specifically for that environment.

I would also add that a big concern for our members is making sure that there aren't any conflicts with the federal food and drug regulations, because certainly we are a very highly regulated environment in grocery retail. There are a lot of requirements around nutrition labelling and nutrition claims, and our members, of course, always want to be in compliance, so it's important for us to make sure that the regulations under this legislation, if it's passed, wouldn't put us in any challenges with those regulations.

Ms. Ann Hoggarth: But you do agree that there's flexibility within this bill?

Ms. Alison Baxter: Absolutely we think that there's flexibility within the bill. However, there are some sections—if you talk about the bill itself, for example, around the signage, I think there could be a little bit more flexibility within the legislation in that section. That would address some of our concerns.

Ms. Ann Hoggarth: Thank you. We'll take your concerns back.

The Chair (Mr. Grant Crack): Thank you very much. Mr. Walker.

Mr. Bill Walker: Thank you very much. It's nice to see someone else talk so fast. I usually get teased about that in the House, and my word count.

One of the things that I really note in here is the exemption from the federal mandatory nutrition labelling, because of the complexity and variation that occurs in store preparation. That's certainly something that, from constituents and deputations that I've heard from, is absolutely critical. The volume you handle is one of the things that we're trying to make sure we safeguard. Nobody's arguing that there isn't a better way to be healthier—I mean, who's not going to step up and support that? But it is the complexity, it is the ability for your retailers to ensure that they can comply, because most people don't want to be in non-compliance.

The other item, I think, is in regard to municipal bylaws. I can certainly understand your concern from that perspective, that if one jurisdiction implements something different from another, it's confusing to the consumer; it's certainly confusing to the industry. At the end of the day, we want people to find this as convenient, factual and consistent across the board as possible. I think you're supporting that.

Are there any real specific areas—particularly as we get into the more formal part of the bill and actually

going back and forth, clause by clause—that really jump out at you, that you really want the committee to take specific focus on?

Ms. Alison Baxter: Again, I think, in terms of the actual language in the bill, that if there was an opportunity to clarify the language around what a standard food item is, that could likely provide a lot of reassurance to our members. It's something that I think was drafted with the intent of the restaurant industry in mind, as they are the primary focus, and it's a much more complex thought when you try and move that to grocery retail, so some work to add some of the specificity we've recommended in that definition.

And again, as I mentioned earlier, around the options for signage: I believe the provision right now requires that it's an “and” provision, so it has to be posted in both places, and there are fairly specific requirements as to what that is. For grocery retailers, they might not always have that option, or it might not be as economically feasible given how frequently things change, so we'd like to see that perhaps you could have a stand-up sign on top of the deli counter that lists the items, along with their nutritional information; something that has that flexibility in it, I think, would be a good change.

Mr. Bill Walker: The other piece I think I noted in there is certainly a time frame that allows you to address an issue. If they're going to make regulation and just spring it on you—I'm not saying they will do that, but at least to have some minimum guidelines: “If you're going to bring new regulations, we need a minimum of”—whatever it would be; six months, a year or two initially.

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But I'm even meaning as we go on here, that if they're going to bring in—we've heard a lot of deputations talking about sodium, and that may be something that gets added. Again, for you to change your labelling to stay consistent, particularly respecting your ability and the volume that you have to deal with—I don't think anyone's really pushing back on this. Let's do it in a pragmatic, manageable, consistent manner so that you have the ability to adapt and not be in non-compliance.

The Chair (Mr. Grant Crack): Thank you, Mr. Walker. Final comment?

Ms. Alison Baxter: No, that's okay.

The Chair (Mr. Grant Crack): Very good. Thank you very much. Ms. Gélinas.

M^{me} France Gélinas: My question is along the same line as Bill's, in the sense that we have until noon tomorrow to make amendments to the bill. A lot of what you read into the record, to me, are things that will become more meaningful once the regulations are written. But if there are specific showstoppers in the bill that could not be clarified in regulations—the only one I have highlighted for now was the definition of “standard food item.” This definition is in the bill. Do you have an alternate definition you would like us to use, or are you leaving it to my creative mind to define that?

Ms. Alison Baxter: Certainly, I'd be happy to recommend some specific language around that. What we've

put forward are components that we've considered that should be included. The language that we've suggested I haven't written as the language for clause-by-clause consideration, but that language—and I know similar language has been used in other jurisdictions—talks about items that are intended and marketed for single-serve. That's the kind of language that we've put forward that we'd like included.

M^{me} France Gélinas: That's problematic. We all know that Kentucky Fried Chicken buckets are not for single use, but that is captured by the bill. I have gone down this path before to try to find a new definition, and it led me nowhere. So if you have something, send it forward and we will see.

The rest of what you put down: None of what I see in the bill—and I know this bill very well—would preclude anything of what you see. Am I right or wrong? Do you see something else in the actual language of the bill that needs to change?

Ms. Alison Baxter: I think, again, the comment with regard to the signage. If I was to put forward a specific amendment, that would be one I would raise.

In terms of some of the comments that we've heard from other deputants, I would want to make sure that as the members here are going through clause-by-clause—I believe section 5 talks about municipal bylaws—it's very important to our industry that that section is maintained. I think that that is another thing that we'd put forward for your consideration.

M^{me} France Gélinas: Okay, thank you.

The Chair (Mr. Grant Crack): Thank you very much. We appreciate the both of you coming forward this afternoon. Have a great afternoon.

DR. GOPAL BHATNAGAR

The Chair (Mr. Grant Crack): Next we have Mr. Gopal Bhatnagar with us this afternoon. Welcome, sir.

Dr. Gopal Bhatnagar: Thank you very much.

The Chair (Mr. Grant Crack): I hope I pronounced that correctly.

Dr. Gopal Bhatnagar: Absolutely; very well done.

The Chair (Mr. Grant Crack): Thank you. The floor is yours.

Dr. Gopal Bhatnagar: Thank you very much for having me here this afternoon. I understand my name came up in the Legislature, and I'd be happy to address that during the question period, but I wanted to keep my presentation within time.

I did want to start off by saying that I believe we're all here for the same reason. I loved the presentation that I heard from a representative from Cancer Care Ontario, because I think that we cannot regulate tobacco strongly enough, and we're certainly here to try and improve the health of all Ontarians.

I'd like specifically, though, to address some concerns and comments that I had around the regulations on what has been termed the electronic cigarette. Given the short amount of time, I just wanted to emphasize a couple of things, because they come up repeatedly.

The gateway hypothesis, as put forward by Mr. Tom Frieden of the CDC and FDA, has been the mainstay of some of the opponents and some of the discussions around precautionary harm and the claims made and maintained by several agencies that electronic cigarettes lead to the use of combustibles, especially in minors. Dr. Britton, in fact, referred to this—this is the most recent CDC study out—and you can see here that these are the statistics that were referred to. If you read the CDC report online, you'll see in fact that they highlight the fact that e-cigarette use did rise, and that's certainly true. They also noticed that, between 2011 and 2014, the rates of tobacco use were quite flat in youth. However, when we see the rise of electronic cigarette use in the youth survey here, we see there's a dramatic decrease that's been unprecedented in the use of tobacco products.

I show you these statistics simply because these are reproducible in Germany, as well as in the United Kingdom, that show indeed that the availability of electronic cigarettes does not seem to have any effect or certainly does not increase youth smoking. The hypothesis that kids use electronic cigarettes and then switch to combustibles is without any scientific basis to extract that conclusion.

Much has been made about the toxicity—that, “We don't know about the vapour.” It would take an hour or two to go through a comprehensive analysis of the science behind vapour, but it is very well known now. Three years ago, I wouldn't make that statement, but the analysis of vapours is a simple chemistry experiment.

There are some concerns about heavy metal cadmium, but the main concern that has been espoused in literature is that of formaldehyde. There was a paper in the New England Journal of Medicine that much was made about. A press release by the New England Journal of Medicine itself was done. What's not quite advertised is that the lead authors themselves distanced themselves from the New England Journal of Medicine's conclusions. Those conclusions were that there was a great deal of formaldehyde created in electronic cigarette use and vapour—very, very concerning. I think we all understand that formaldehyde is toxic.

But let's look at what really happened. The formaldehyde was created by a situation called dry vaping. What that is, of course, is when the battery power is maximized—you crank the battery to maximum—and you essentially get what vapers call “burning the coil.” That means you create a situation of extraordinarily high temperatures beyond what would normally be used, and it creates this fume.

This does two things: It destroys people's devices, so they're voluntarily destroying something that's worth maybe hundreds of dollars. It also creates a fume that is so noxious that it's not inhalable by a human being any more than once by air. So yes, you can create formaldehyde in experimental situations, but it is not created in a user environment. In fact, even the original FDA studies agree that no formaldehyde is created unless you vaporize or you burn the e-juice at over 260 degrees Celsius.

E-cigarettes usually function at around 60 degrees Celsius.

But there are different types of products as well. Up on the top is the very first generation, the simplest device, and on the bottom are the more modern or third-generation devices. It's important to make the distinction, because they are different. This is one study—again, I will not read the slide, but it does show that it's important to understand that with the first-generation devices there is dual-use, which is of concern. But as we become more sophisticated in the technology, the smoking cessation rates rise and dual-use declines.

That's important because third-generation devices are far more technologically comprehensive. They require consumer support. When people go into vape shops to buy these devices, they need to understand how they're being used. If, in fact, it cannot be properly demonstrated, we have dissatisfaction. We have people returning to smoking. This is of particular concern to me because I think that specialty and boutique shops should be allowed to be able to demonstrate and promote these devices within the store environment.

The Chair (Mr. Grant Crack): Final comment, sir.

Mr. Gopal Bhatnagar: Thank you very much.

Precautionary harm: I do believe that enough data has accumulated in terms of the science of vaping that this, although it occurred three years ago, is now no longer valid. I do have a number of suggestions that I thought were reasonable, and I certainly advocate that lifestyle advertising should be something that should be prohibited. Thank you.

The Chair (Mr. Grant Crack): Thank you very much. We'll have to move on. I appreciate that.

Mr. Gopal Bhatnagar: Of course. I understand.

The Chair (Mr. Grant Crack): Ms. Gélinas.

M^{me} France Gélinas: Thank you for your presentation; much appreciated. I take it you've seen the bill, the different levels of regulation. We'll take them one by one: Any problem with not letting kids buy those products?

Mr. Gopal Bhatnagar: Absolutely not. I think that any reputable vaper has not looked to sell this to minors.

M^{me} France Gélinas: Okay. We've heard that there's lots of variation in the actual flavour cartridges. Any problem with putting in some regulations so that no matter where you buy it, we know what's in there?

Mr. Gopal Bhatnagar: Absolutely. Manufacturing standards are something that everybody should be arguing for. It's only a positive thing so that consumers understand what they're getting in a consistent fashion.

M^{me} France Gélinas: You seem to put a lot of emphasis on people needing help making the right choices if they want to be successful. Would that help come in a corner store or will it come in a store that only does that?

Mr. Gopal Bhatnagar: It's a matter of expertise and time. If you walk into a Petro Canada or you walk into a variety store and you buy a device from a non-vaper, they cannot explain at the time. It's not cost-effective for them. They don't have the expertise.

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We know there have been two studies: one recently from Polosa out of Italy and one by Dr. Hickman that show that people who purchased in specialty shops and have that support have increased cessation at the end of one year.

M^{me} France Gélinas: So adult-only specialty shops with people who know what they're teaching.

Dr. Gopal Bhatnagar: Yes.

M^{me} France Gélinas: How do we know that they know? What if the owner is not there and he asks his daughter that day to sub in?

Dr. Gopal Bhatnagar: It's absolutely true. I think it's likely impossible to suggest that we have a certification course for vapour technicians, but at the same time if you were to take it from a business model perspective, if you don't have customer satisfaction, then I think it's a business that's going to die off.

The vast majority of sales in vaping, as it's grown now, has been word of mouth. People who have used it successfully and had a good experience have suggested it to others.

Mr. Mike Colle: No pun intended.

Dr. Gopal Bhatnagar: Thank you.

So in that, I think if poor customer satisfaction is present, then the business is not viable.

The Chair (Mr. Grant Crack): Thank you very much. We'll move to Ms. Kiwala from the government.

Ms. Sophie Kiwala: Thank you very much for being here today. You're the founder of 180 Smoke—

Dr. Gopal Bhatnagar: One of them, yes, ma'am.

Ms. Sophie Kiwala: —a company which produces and sells e-cigarette products with nicotine in Canada. Have your products undergone the rigorous testing and application process through Health Canada that other smoking cessation and nicotine replacement products are required to go through?

Dr. Gopal Bhatnagar: Well, ma'am, we never claimed at this point in time to be a smoking cessation product or a nicotine replacement therapy.

Ms. Sophie Kiwala: Have your products ever gone through the rigorous testing?

Dr. Gopal Bhatnagar: We have self-imposed regulatory standards. Our products are sent out to an independent lab.

Ms. Sophie Kiwala: Not through Health Canada, then?

Dr. Gopal Bhatnagar: Not through Health Canada.

Ms. Sophie Kiwala: Okay, thank you. Are you comfortable with the fact that the company that you founded is illegally selling nicotine products?

Dr. Gopal Bhatnagar: I take strong exception to the word "illegal."

Ms. Sophie Kiwala: Just by Health Canada's standard—

Dr. Gopal Bhatnagar: Then that's two different things. There is a regulatory interpretation by Health Canada. We did legal due diligence with our council here in Ontario and have been in touch with the regulatory

authorities and Health Canada. We have, as yet, not heard back from them from our submission.

Ms. Sophie Kiwala: A report from the World Health Organization recently concluded that e-cigarettes do not produce merely water vapour but pose threats to adolescents and fetuses, and increase the exposure of non-smokers and bystanders to nicotine and a number of toxicants. Do you share their concerns?

Dr. Gopal Bhatnagar: No, ma'am, I do not. I understand that nicotine itself is known to create problems in pregnancy, so that is certainly a separate matter. That requires regulation and clear warning on the product; there's no doubt about that, just like alcohol does.

Ms. Sophie Kiwala: Thank you.

Mr. Mike Colle: I have a question.

Dr. Gopal Bhatnagar: Yes, sir.

The Chair (Mr. Grant Crack): Ms. Kiwala has the floor, so I—

Mr. Mike Colle: She's giving me the floor, I think.

Interjection.

Mr. Mike Colle: No?

Ms. Sophie Kiwala: So whether the risk is benign or not, the risks are there. The risks are there if a child gets a hold of one of these vials; the risks are there if an inappropriate mixture is used and made by a retailer. There are significant risks there if it's used improperly. You've demonstrated the technical details of the equipment, and there are definitely risks there. There are lessons needed in order to be able to use them—

The Chair (Mr. Grant Crack): Thank you very much, Ms. Kiwala.

Ms. Sophie Kiwala: —so we're erring on the side of caution.

The Chair (Mr. Grant Crack): We'll move over now to Mr. Hillier.

Mr. Randy Hillier: Just for the record, you are a cardiac surgeon. You are a professor at the University of Toronto.

Dr. Gopal Bhatnagar: That's correct, sir.

Mr. Randy Hillier: I'm not going to ask you too many questions. I do want to read into the record—the Liberal Party tabled three reports today to justify their position. One is from the New England Journal of Medicine. If the Liberal members would read it, it says, "Whether e-cigarettes will prove to be a gateway to the use of combustible cigarettes and illicit drugs is uncertain..." That's from the New England Journal of Medicine.

One of the other reports that was tabled to justify the gateway view was the intention to smoke, not actually smoking—just the intention.

The third one, which Dr. Britton from Britain mentioned, is that the increased use in e-cigarettes in that particular school in Hawaii was also viewed as a corresponding and significant drop in actual tobacco use. I just wanted to get that on the record for the member for Kingston and the Islands.

You've put forward some good views. Have you ever seen in your career people who are non-smokers coming

in and wanting to use vaporizers and then progressing on to tobacco after?

Dr. Gopal Bhatnagar: My practice is limited to cardiothoracic surgery. I try and separate that entirely from my professional practice.

Again, based on data, not just my opinion, over 96% of existing vapour users are current smokers or ex-smokers. Based on the large-scale data from both Germany as well as looking at non-smokers who use electronic cigarettes, it's the same number of people who have never smoked, but still go and buy nicotine gum at a pharmacy. There are people who just like the nicotine. They buy the gum with nicotine. You don't need to prove you're a smoker. The same number of people use vapour containing nicotine.

Mr. Randy Hillier: It's hard to believe anybody would go and buy nicotine gum. I've tasted it; it's not—

Dr. Gopal Bhatnagar: There's some propensity in people to want to smoke, whether it be the ritualistic behaviour or the nicotine itself. I neither smoke nor vape, but I empathize with the health outcomes.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Bhatnagar, for coming.

Dr. Gopal Bhatnagar: Dr. Bhatnagar—I do want to ask for the Chair's indulgence, because I do believe that certain comments have been made that impugn my professional reputation. I've been a cardiothoracic surgeon for 15 years. I have absolutely every pecuniary advantage when I suggest operations to people. I did so in my clinic today. I've always done so, based on the evidence and the science of cardiothoracic surgery, and would never suggest an operation or an intervention to any one of my patients. I approach vaping in the same way.

The Chair (Mr. Grant Crack): Thank you very much. We appreciate that.

Dr. Gopal Bhatnagar: Thank you.

Mr. Joe Dickson: A point of order, Mr. Chair.

The Chair (Mr. Grant Crack): A point of order from Mr. Dickson.

Mr. Joe Dickson: Thank you, sir. I just want to reassure, through the Chair, that it is our job, perhaps, to question or to ask questions of our guests, not to make ongoing, continual statements citing a policy. You can ask those questions in that format, as a question format. That's the way I've raised it, and I've done it that way for 30 or 40 years.

I just mention it to the Chair—and I don't want to pursue it actively.

The Chair (Mr. Grant Crack): Thank you. I'm not sure it's a point of order, but I thank you for bringing it forward.

7-ELEVEN CANADA INC.

The Chair (Mr. Grant Crack): Next on the agenda we have, from 7-Eleven Canada Inc., Mr. Victor Vrsnik. He's the government affairs manager. I hope I pronounced that right, as well.

Welcome, sir. You have five minutes.

Mr. Victor Vrsnik: Thank you, Chair. I thank you for the opportunity to present before the Standing Committee on General Government. I'm Victor Vrsnik. I'm the government affairs manager for 7-Eleven Canada. I'm here to speak specifically to the healthy menu choices provision in Bill 45.

7-Eleven operates 500 corporately owned stores from Ontario to British Columbia. Our 100 7-Eleven stores in this province employ approximately 1,000 Ontarians.

Our goal is to be the best retailer of convenience for our customers and to be the top retailer on regulatory compliance.

7-Eleven stores are always evolving to respond to the changing needs of our customers. We also recognize that we have a social responsibility to provide our customers with healthy, fresh and nutritious options while meeting their convenience needs.

As part of that effort, we have taken a proactive approach to healthy eating by implementing a program called Better Choices in all of our 500 stores in Canada, including Ontario, which began in the new year. Better Choices provides our customers with access to healthy food and beverage items and transparent nutrition information to help our customers make more informed choices.

Under the program, each of our stores displays a nutrition quick reference guide—that looks like this—in the area of the store where non-packaged food and beverage items are displayed. Maybe I'll just pass this along, with your permission.

The guide provides information on calories, sodium and 12 other core nutrients for approximately 200 non-packaged food and beverage products. Better Choices products, both packaged and non-packaged, also have shelf tags to help customers identify the most healthy and nutritious options, including fruit and vegetables, water, dairy, grains, meats, snacks and mixed entrées.

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7-Eleven is supportive of the government of Ontario's objective of increasing nutrition transparency and the availability of healthy and nutritious food and beverage items carried by chains.

We support the government's efforts to partner with the retail sector on implementation of this bill. The implementation, however, could present some challenges to retailers like 7-Eleven who introduce between 200 and 400 new products in their stores every year.

By way of background, 7-Eleven stores introduce a new cycle of products approximately every six months. Products that do not meet sales targets after a few months are slated for discontinuation. Even for a discontinued product, it can often take several months to work through the sales cycle of receiving and selling fresh product, so until these contracts come to an end. In order to help retailers successfully implement Bill 45, 7-Eleven proposes a six-month phase-in period that would allow for retailers to test the sales of new products without incurring undue costs associated with menu labelling.

Another challenge is that, under Bill 45, our stores could be required to create more than 200 calorie labels

or tags for all of our unpackaged food and beverage products. Requiring a separate calorie label or tag for every size and flavour of coffee, for example, would lead to signage creep that could defeat the purpose of the labelling. Therefore, we recommend that the government allow retailers to post an average of calories for similar food and beverage items that are within a plus-or-minus range of 20%.

Finally, should the government consider future actions to require retailers to post more detailed nutrition information, such as sodium, sugar and fat, we would recommend that the government adopt a model similar to the 7-Eleven flipchart that's making its way around. The nutrition platform would enable customers to make more informed choices about their food and beverage purchases in an accessible manner.

Thank you to the committee for your time, and I welcome any questions.

The Chair (Mr. Grant Crack): Thank you very much, sir. We appreciate that. We're going to start with the government side: Ms. Hoggarth.

Ms. Ann Hoggarth: Thank you very much for your presentation. I'd just like to ask: Have you considered whether more information for consumers about the calorie count will aid in product sales testing?

Mr. Victor Vrsnik: Absolutely; more information for customers is the goal of our program. That's why we're reaching towards nutrition transparency by creating a list of products with 13 core nutrients, including calories, sodium and fat. I think the better armed our customers are, the more informed choices they'll make and presumably the more healthier choices they'll make as well.

Ms. Ann Hoggarth: You are happy that there will be stakeholder consultation as we proceed with this bill?

Mr. Victor Vrsnik: Yes. We have already consulted with the ministry, and we look forward to another opportunity as well.

Ms. Ann Hoggarth: You're also happy that there's flexibility, that nothing is carved in stone at this point?

Mr. Victor Vrsnik: I guess we'll see how it goes in the process of the development of the regulations. But, so far, when we met with the ministry, they were very open and, I'll admit, very professional in their approach, and we think that there's an opportunity to further continue the dialogue on how these regulations may be rolled out.

Ms. Ann Hoggarth: Great. We hope we can work together. Thank you.

Mr. Victor Vrsnik: Thank you.

The Chair (Mr. Grant Crack): Thank you very much. Mr. Walker from the official opposition.

Mr. Bill Walker: It's a pleasure to have you. Thank you so much. Can you just share with me a little bit more of the experience with BC? It seems to me that what you're suggesting is not unreasonable; that by doing either the flip menu or however it's going to be, you've got a large volume of products that are coming and going all the time. Has that worked well in BC? Has there been any follow-up to say that that did work and that the consumer at the end of the day was getting what really

the intent of this bill is: their ability to make healthier choices regardless of whether it's a label or a sign?

Mr. Victor Vrsnik: I think British Columbia is maybe a couple of months behind Ontario, as Bill 45 was, I think, announced in 2014. There's a new bill—I think it's Bill 14—in British Columbia that's very similar on the other aspects of Bill 45. But in British Columbia, they've taken more of a voluntary approach. They led the charge with Informed Dining, for instance. We've tried to align our program with Informed Dining, and that's why we've developed the nutritional transparency flip-chart. We've also called out products that align with the BC government's—and maybe this is the point you're getting at. The BC government has a policy on products that go into government buildings, and they have a very high nutritional standard. So we've called out the products in our stores that align with the highest nutritional standard that the BC government expects for the public in their buildings.

Mr. Bill Walker: What I'm trying to gauge is, certainly yourself and the Retail Council of Canada, who were on before you—looking at the implication and the actual logistics of changing labelling and the continual turnover in that—if you've got something that's in there that gives me, as a consumer, the ability to look and say, “What's healthy and what's not healthy?”, I don't really care if it's on a label or on a nice little flip sign. That's more where I was going. There are different ways to inform the consumer. Respecting that you have a high volume and items that change on a fairly regular basis, getting into the labelling could actually lose the baby with the bathwater, because now you're saying, “I'm not even going to go down this road.”

Mr. Victor Vrsnik: Well, if our customers don't reference our guide, what they will find is that there are a number of products in our store that have a little label that says, “Better Choices.” This label aligns with the high standards of the BC government's nutritional requirements for government buildings. So that is there in our stores in BC, Ontario and across Canada right now. That's a quick way for our customers to make a better choice.

Mr. Bill Walker: I think everybody is supportive of information that's going to help us. The delivery method isn't always—it has to be this one or this one; you might have found one that works even better than what the label is, so let's work with you.

Mr. Victor Vrsnik: And I would just add that if the government were to consider sodium down the road, for instance, this nutritional flipchart might be a better platform because it just becomes a bit difficult for our stores with small real estate and so many products to have so much information on a tag. I say “signage creep” because eventually people just phase it out and they won't even—it'll lose its impact.

The Chair (Mr. Grant Crack): Thank you very much. Ms. Gélinas.

M^{me} France Gélinas: I know that you know the bill very well. My first question has to do with the six months

for new products. Is there something in the bill that leads you to believe that this could not happen under regulations? Did you see something in the bill that triggered to you that the moment you put a new product out you will have to have the calorie count on them?

Mr. Victor Vrsnik: Well, I guess my understanding of the bill is that for now it applies to all products in the store, all food and beverage products. So that is why we're seeking the exemption and understand that maybe that could be addressed in the bill or in regulation, but I guess that is up to the government, the committee, to make recommendations on.

M^{me} France Gélinas: Okay. And the idea of being able to regroup food items that are very close to one another—you have put the number of calories at 20%. I have no idea if you have done the math, but if we were to regroup within a 10%, how many of the groups would explode?

Mr. Victor Vrsnik: Okay, well, I don't have that number for you. I could research that and get back to you on that.

M^{me} France Gélinas: Okay. Just so you know, the deadline for us to make amendments to the bill is tomorrow at noon.

I listened carefully to what you've said, and the two flags that I got are making sure that when a new product is introduced, there is a grace period, and you would like this grace period to be six months. I will make sure that the bill does that. It was my understanding that there was flexibility in the bill to do this, but I'll check again.

The other one is the grouping. There has always been the intention of grouping. At 20%, we could maybe strike a balance. I was thinking 10% and you're thinking 20%; how about we settle on 15%?

Mr. Victor Vrsnik: We'll saw off at 15%.

M^{me} France Gélinas: The idea is that it was always in the bill but you did not see it, so it could mean that we need to clarify that.

Mr. Victor Vrsnik: Okay. Thank you.

The Chair (Mr. Grant Crack): Thank you very much. Just a reminder: It is 3 p.m. for the deadline for amendments tomorrow for all three parties—3 p.m.

Thank you, Mr. Vrsnik, for coming before the committee this afternoon. It's much appreciated.

Mr. Victor Vrsnik: Thank you very much.

The Chair (Mr. Grant Crack): You're welcome.

CANADIAN FRANCHISE ASSOCIATION

The Chair (Mr. Grant Crack): We have with us the Canadian Franchise Association. There are three members here. I will ask you to please come forward and introduce yourselves. Welcome.

Ms. Lorraine McLachlan: Thank you for having us. I'm Lorraine McLachlan. I'm the president and chief executive officer of the Canadian Franchise Association. Joining me is Larry Weinberg, a partner at Cassels Brock and Blackwell. He is also the chair of our legal and legislative affairs committee at Canadian Franchise Associa-

tion. To my right is Erica Kelsey, our director of government relations.

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Thank you for having us here today to speak on the topic of Bill 45, the Making Healthier Choices Act.

The Canadian Franchise Association was founded in 1967 and is the authoritative voice for franchising in Canada. We have over 600 corporate members nationwide representing many of Canada's best-known franchise brands and over 40,000 franchisees, as well as many small and/or emerging franchise brands.

Franchising is an economic engine for Ontario and Canada and generates over \$68 billion for the Canadian economy. Franchising directly and indirectly employs over one million Canadians, and 88% of our members operate in Ontario.

Franchises operate in every community and riding in Ontario and provide benefits to those local communities through new jobs and spending within those communities.

CFA's purpose is to promote excellence in franchising, holding the industry and our members to high professional standards, including best practices and a code of ethics that all of our members must abide by. We promote proper due diligence and provide education for franchisors, franchisees as well as those seeking franchise opportunities. To that effect, we are looking to keep franchising healthy and to keep the integrity and professional standards that our members enact on a daily basis.

CFA recognizes that Bill 45's threshold for compliance is a chain of foodservice premises with 20 or more foodservice premises in Ontario, which may or may not include franchisors. This threshold of 20, we understand, is arbitrary, just as 19 or 22 would be, and we assume that the number was chosen to ensure that a burden isn't placed on small businesses to comply. That is understood.

While 35% of our members operate in foodservice, our purpose here is not to discuss the content or intent of Bill 45, the Making Healthier Choices Act. We have a specific purpose to address, and that is to discuss the bill's reference to franchising in particular.

The concern that we have is simple. In subsection 1(2) of the bill, franchisors are defined as "a person who owns or operates a regulated food service premise." That is factually incorrect. The relationship between a franchisor and franchisee is an independent, contractual relationship. A franchise is a business relationship bound by a contract, often called a "franchise agreement," between the franchisor and franchisee. The franchisor has developed a concept that is owned by him and is the owner of the trademark and operating system. The franchisee is licensed to use the trademark and operating system for a set period of time, as defined by the contract.

Franchisees are independent small business owners. Franchisees are responsible for the activities of their business and the running of the day-to-day operations of the business, including who they hire, how much they pay their employees and how they schedule their employ-

ees. They file their own taxes, maintain ongoing training of their employees etc. They are responsible for their own debt and obligations and to ensure their own compliance with applicable law. The franchisee is not a glorified manager. They are the owner and operator of a small business and have always had the rights and responsibilities of a small business.

We make this distinction not because we suggest that all the responsibilities of this bill should be placed on the franchisee but to provide you with the clarity on the unique and distinct roles of franchisees and franchisors. The balance of control and the distinction of liability should respect and reflect the nature of the franchisor-franchisee relationship and be fair and consistent, as well as keep franchising as an attractive investment opportunity for both parties.

Franchising is a business model, and each franchise differs in form and function. Applying a blanket approach is not something that can be done. It must be considered that the franchisor may not be the supplier of the menu items or ingredients. In many cases, there are a number of approved suppliers who are third-party companies. In this case, those suppliers or food manufacturers may also have a role to play in terms of compliance with this act.

We recommend that roles and obligations be defined in the regulations in this act in a way that is fair and appropriate. We are happy to consult with the government in that case. However, it is something that will require care and attention in order to ensure that there is no undue or unfair burden placed on any party.

Aside from the fact that the definition in subsection 1(2), is factually incorrect, the result of making the franchisor liable for the independent actions of the franchisee will have consequences. It makes the franchising model too risky, less attractive and thus may undermine future growth, including new jobs and economic input.

The Chair (Mr. Grant Crack): Thank you very much. I apologize, but we're quite a bit over.

Ms. Lorraine McLachlan: The rest is in the paper that you have.

The Chair (Mr. Grant Crack): Thank you kindly. Mr. Walker?

Mr. Bill Walker: Just a point of clarification on your deletion of section 3.2—sorry, 1(2). You just want that totally out of there, and the main reason is because of wording that is too over-specific and actually inhibits some of your concerns.

Ms. Lorraine McLachlan: Yes, we would like that section removed.

Mr. Bill Walker: And then (b) in section 3: Is it, again, that you're just trying to clarify? You really want to distinguish that this is the person operating as opposed to you.

One of the questions that I've been asked by a couple of delegations is—and it's really just a clarification for me. If I use a Tim Hortons, for example, I trust some things that they would choose as a product are sent by head office, if you will, to that shop in Bruce-Grey—

Owen Sound. So you may very well be the person who is responsible for negotiating the labelling on that item, as opposed to the franchisee. Is that an accurate statement?

Ms. Lorraine McLachlan: In some cases, yes.

Mr. Bill Walker: Yes. So the challenge, I think, becomes sometimes the ambiguity of, is it really you as the franchisor or the franchisee who is really in non-compliance? I can see a situation where it could be one or the other.

Ms. Lorraine McLachlan: And that's why we would like to work—but if I may, part of the issue is that if a franchisee has the information and fails to provide it to the customers, we do not want the franchisor—

Mr. Bill Walker: To be liable, sure.

Ms. Lorraine McLachlan: —being held liable. That really is the heart of the concern.

Mr. Bill Walker: Sure, and I guess the opposite being that if someone has something in their store on a shelf and it's been changed but you as the franchisor central hasn't changed it, I could see where they could be in the same thing, if it's not something within their controls to remove.

I think the intent is, again, for both of you to understand who's liable, who's responsible, and your interest is really just clarifying that to make sure that it's black and white going into this. So that amendment would be your expectation?

Ms. Lorraine McLachlan: Yes.

Mr. Bill Walker: Any other specific interests, just in case you didn't get the time to finish? I tried to read the whole paper while you were speaking as well.

Ms. Lorraine McLachlan: Thank you. No, it was really subsection (2)(b), removing the words “owns” and “franchises or licenses”.

Mr. Bill Walker: As you do this across the country, are there other provinces that have legislation that you think—wording that's already in effect that we could utilize?

Ms. Lorraine McLachlan: Not that we are aware of at this point.

Mr. Bill Walker: Thank you.

The Chair (Mr. Grant Crack): Thank you very much. Ms. Gélinas.

M^{me} France Gélinas: I knew that you were going to be coming with this request, so I have talked to many lawyers at Queen's Park. There's many, many of them around here—always handy. I'm having a really tough time. A lot of the restaurants that will be captured by Bill 45 operate under a franchise system, so to take it out completely is sort of a non-starter. So, then, I really tried to address what you were talking to us about, which is how we make sure that if it's the responsibility of the franchisee versus the franchisor, the legal responsibility falls at the right place.

So just to make sure that this is what you're after: What you're after is not to say that all of the Tim Hortons, McDonald's, Pizza Huts and all of the franchises wouldn't have to do menu labelling—that's not what you're after. What you're after is to make sure that

the responsibility for failure to comply rests with the right level.

Ms. Lorraine McLachlan: That's exactly correct. One of the things that we find is problematic is that people assume that the franchisor can exert a significant level of control in all areas over the franchisee, and that is not the case. For a franchisor to exert control inappropriately puts them in violation of other legislation. This is one of the challenges we wanted to bring to your attention.

M^{me} France Gélinas: Okay. It will be the health units who go in, and if there's ever a non-respect of Bill 45, they would issue fines, some of them quite big. They would have to have the amount of flexibility to really ascertain who it is that made the mistakes or didn't comply. Is this what you're after? I don't want to put words in your mouth.

Ms. Lorraine McLachlan: Yes, it would be a reasonable outcome.

M^{me} France Gélinas: Okay. Thank you.

The Chair (Mr. Grant Crack): Thank you very much. We'll move to the government side. Mr. Dickson?

Mr. Joe Dickson: Thank you, and welcome. MPP Colle has asked to share my question time, so I will do that. I'll combine my 10 questions into one.

I wonder if you could just expand a little more on the liability scenario. I'd like some clarification between franchisee and franchisor and where the liability falls. I just look for a general statement on that.

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Also, would you agree with implementation of this bill with not necessarily full legislation, but regulations which give the government some flexibility and give the people on the other end some flexibility as well? I just leave those two with you for starters.

Ms. Lorraine McLachlan: I'll defer to Larry on this.

Mr. Larry Weinberg: Well, I think it's a fundamental concept of franchising that a franchisee is an independent owner of a business responsible for their own compliance with applicable law. And to Ms. Gélinas's point, we don't look for franchisors to escape all responsibility, but the responsibility should rest with the person who owns the business. In many cases, the contracts between franchisor and franchisee don't necessarily obligate or require or give the franchisor the power to dictate all products used in the restaurant.

When you think of franchising, you think always of Tim Hortons, McDonald's and Pizza Hut, but not everyone runs that way. And so the legislation, as drafted right now, doesn't qualify between a franchisor that dictates the recipe and all the menu items and those that don't; it just says that franchisors are deemed to be owner-operators.

From my perspective—and again, I'm not a legislative drafting lawyer, but I've been doing franchise law for 25 years—there are very many different kinds of franchisors in this province, dictated, I should add, by the legislation that governs franchising in this province.

Mr. Joe Dickson: And you're fine with the regulations, sir? I'm just trying to give Mr. Colle some time for a question.

Mr. Larry Weinberg: Well, I'm not sure you can correct it entirely by the regulations because the act says that a franchisor is a franchisor, is deemed to be an owner-operator.

The Chair (Mr. Grant Crack): Thank you very much. There are seven seconds, so I don't think you're going to have time, Mr. Colle.

Mr. Mike Colle: Seven seconds. Forget it.

The Chair (Mr. Grant Crack): I apologize for that.

I believe that's it, right? We did all three? I'd like to thank you all for coming forward this afternoon and providing us with some interesting insight.

Ms. Lorraine McLachlan: We remain at your service.

The Chair (Mr. Grant Crack): Thank you very much. Where can I eat?

ONTARIO SOCIETY OF NUTRITION PROFESSIONALS IN PUBLIC HEALTH

The Chair (Mr. Grant Crack): Next on the agenda we have the Ontario Society of Nutrition Professionals in Public Health. We have Ms. Renée Gaudet.

Ms. Renée Gaudet: You say it so lovely. I don't speak French; I wish I did.

The Chair (Mr. Grant Crack): Oh, you don't? Je m'excuse.

Ms. Renée Gaudet: That's okay.

The Chair (Mr. Grant Crack): Welcome. You have five minutes.

Ms. Renée Gaudet: Thank you. I'm here on behalf of the Ontario Society of Nutrition Professionals in Public Health. We represent over 200 registered dietitians that are working in the Ontario public health system. We support menu labelling as a population health strategy that helps consumers make informed choices. I've provided you a copy of our key messages on this topic, as well as a letter that outlines two of our recommendations around amendments to Bill 45. I'm going to use my time today to speak about our priority recommendation, and that's the inclusion of sodium alongside calories in the bill.

Ontario has shown its commitment to improving the health of children and families through the action plan for health care and the Healthy Kids Panel report. They're clearly invested in the creation of healthy communities that support children's health.

Menu labelling is an opportunity to support children's health—

Interruption.

Ms. Renée Gaudet: Is there an issue?

The Chair (Mr. Grant Crack): Well, there's going to be a vote and we're just waiting to see what time. Unfortunately, we knew this was going to happen. It's a technicality in the House.

M^{me} France Gélinas: You can keep on going. It won't be for five minutes, for sure.

Ms. Renée Gaudet: Menu labelling is an opportunity to support families to help them make decisions about children's diets. No one would argue that healthy weights and obesity prevention aren't top priorities for Ontario children. Therefore, it makes sense that calories would be listed on menus in Ontario food premises, yet OSNPPH believes there is strong evidence related to sodium consumption.

Nearly 25,000 people in Ontario die of cardiovascular disease, close to two million Ontarians are living with asthma and 14,000 are hospitalized due to stroke every year.

Even my own children can't tell you about what it takes to prevent chronic disease, yet they could tell you how to protect themselves against Ebola or protect themselves from getting the flu virus. Yet we aren't seeing those types of deaths and people with illnesses related to those diseases.

The average Canadian consumes 3,400 milligrams of sodium per day. That's more than double the recommended adequate intake of 1,500 milligrams for adults and 1,000 to 1,500 milligrams for children. In fact, almost the entire population exceeds the upper tolerable limit beyond which health risks start to be seen.

Most importantly, 77% of children aged one to three and 93% of children aged four to eight exceed the upper tolerable limit for sodium consumption. According to Stats Canada, 27% of children aged four to eight ate something from a fast food restaurant the day before they were surveyed. That number jumps to 40% for adolescents aged 14 to 18. It would be okay if they were choosing healthy food choices, but they're choosing things that are high in sodium, like pizza, hamburgers, hot dogs and some sandwiches and wraps.

A recent study examined the sodium content of menu in Ontario restaurant chains and found that the average menu item in a sit-down restaurant had 1,455 milligrams of sodium. That's 97% of the recommended intake in one menu item. The average children's menu item had 790 milligrams of sodium. That's 66% of the recommended intake. Even scarier, there are certain categories of foods, like stir-fries and ribs and sandwiches and wraps, that exceed the tolerable upper limit in one meal.

There is public support for menu labelling. Your own government has pointed out that the vast majority of Ontarians support menu labelling. And there are national opinion polls that suggests that over 80% of residents want to see both calories and sodium labelled on Ontario menus.

I've worked in public health for 16 years, and in that time I've celebrated alongside colleagues who have had success in the area of tobacco control and alcohol consumption with strong public policy. Every single year as a nutrition professional in public health we look to those examples and we try to learn from them to help us implement healthy public policy in the area of nutrition. Never once in those 16 years have I felt as confident as I

do today about the evidence that you have regarding the consumption of sodium.

Sodium consumption levels are alarmingly high. Sodium content in both sit-down and fast food restaurants is extremely high. You have the government mandate, you have the support of the public, you have the legislative framework right in front of you. Don't delay this decision until future amendments of this bill.

OSNPPH urges you to add sodium now. It's the right thing to do. Thanks.

The Chair (Mr. Grant Crack): Thank you very much. Right on time. We'll start with the government side.

Interjections.

The Chair (Mr. Grant Crack): Okay. I apologize. I was going to try to get at least two questions in, but there is a vote in five minutes and a half. So we'll go do the vote and we'll come back.

Mr. Bill Walker: Mr. Chair—

The Chair (Mr. Grant Crack): Mr. Walker? Is this a point of order?

Mr. Bill Walker: Yes.

The Chair (Mr. Grant Crack): Some of the committee's left, so—

Mr. Randy Hillier: It's okay. So ask for unanimous consent.

The Chair (Mr. Grant Crack): What's the question?

Mr. Bill Walker: My unanimous consent is to extend the deadline for Bill 45 amendments to 10 a.m. on Friday, April 24, to allow more consultation and ensure we have the best legislation possible.

Ms. Sophie Kiwala: We've got a bell—

The Chair (Mr. Grant Crack): Okay, so—

Mr. Randy Hillier: Well, we've asked for unanimous consent.

Mr. Bill Walker: So we can discuss it when we get back.

The Chair (Mr. Grant Crack): Is there unanimous consent?

Interjection: No.

The Chair (Mr. Grant Crack): The committee is suspended until such time as the vote is over. I encourage everyone back here as quick as possible so we can provide the questions to Ms. Gaudet. As well, we have Toronto Public Health after.

The committee recessed from 1728 to 1739.

The Chair (Mr. Grant Crack): We will call the meeting back to order. We just heard from Ms. Gaudet concerning her presentation. I will pass it now to the government side. You have two minutes for questioning.

Ms. Sophie Kiwala: Thank you. Thank you very much for being here, and so sorry to have to run out on you like that. That was awful.

Were you consulted by the government on the proposed menu labelling legislation?

Ms. Renée Gaudet: We've been involved over several of France Gélinas's bills in the past. We've had lots of input. When it was first introduced in 2013 by the government, we made submissions then and participated

in the consultations that occurred on several aspects. We haven't been consulted this particular year, but we've been involved, I would say, since 2012.

Ms. Sophie Kiwala: Excellent. Okay. Why is a contextual statement regarding daily calorie requirements important?

Ms. Renée Gaudet: Well, it's kind of like saying that this menu item has 500 calories, but what does that mean to you? What does it mean in the context of how much you should eat as an adult or a child? Without having the contextual information, it doesn't really provide meaning to the consumer. So we advocate for that to be included.

Ms. Sophie Kiwala: In addition to influencing consumers, could menu labelling influence food service providers to offer healthier choices, and is that something that you're hoping for through this bill?

Ms. Renée Gaudet: Absolutely. It's interesting that a lot of the evaluative studies that have been done on menu labelling in the US and jurisdictions that have already introduced menu labelling have always studied the outcome of healthy weights. As an outcome, does it help improve healthy weights? We don't necessarily see that as the outcome that you should be measuring, because the outcome that might occur is the reformulation of product so that the industry doesn't have to have menu items meeting 97% of the recommended intake in one item.

We are very hopeful that this population health strategy will result in reformulation of the items that are offered to Ontarians at restaurants. We've seen that when we introduced labelling on packaged foods. You started seeing industries make claims around the fat content, the sodium content, the cholesterol, when cholesterol was a big craze, and trans fat, when trans fat was a big craze—

The Chair (Mr. Grant Crack): Thank you very much. We'll move to Mr. Walker.

Mr. Bill Walker: Thank you very much. Sorry for all the confusion around your deputation.

I certainly support your inclusion of that contextual information. It's very important. And to your point, it would have been nice to also see a public campaign, an education campaign that would actually accompany this bill, as opposed to some of the things that the government has done in my three years here, wasting money on a lot of things that aren't going to make your children aware.

It was interesting yesterday—I think it was the first time I heard, and the number is the same: 71% of the public surveyed wanted sodium included. So I find it, again, very strange that the government hasn't already. I'm hopeful that they'll be open to amendments to hear that. I think being able to ensure that both children and adults can understand—"Boy, I can pick this or I can pick this, and this really is my consumption," because I think that's one thing that we really don't, as individuals, pay enough attention to at this point, and it can have a significant difference.

Are there any municipalities, any provinces, any areas that you think we can copy that have had that success by putting the sodium? Can you share with me another province or a state or somewhere who has that?

Ms. Renée Gaudet: There aren't any in Canada.

Mr. Bill Walker: Anywhere else in any of your studies or any of your research?

Ms. Renée Gaudet: I'm not aware of anywhere that has included sodium. Definitely, there are examples that have included calories. In voluntary approaches there have been examples of providing more than just calories and sodium, providing more information than that. But no, not as a legislative approach.

Mr. Bill Walker: Thank you. Do I still have time left, Chair?

The Chair (Mr. Grant Crack): You have 20 seconds.

Mr. Bill Walker: Thank you. May I move that the deadline for amendments to Bill 45 be extended to 10 a.m. on Friday, April 24, to ensure that we can actually spend as much time as possible to implement amendments that are going to make sure this legislation truly is making it the most healthy choice.

The Chair (Mr. Grant Crack): I'm going to rule, Mr. Walker, that we're going to continue with the questioning towards the deputants. Ms. Gélinas.

M^{me} France Gélinas: Thank you so much, Renée, for being here. Again, sorry about the kerfuffle, but we had to go vote.

Given everything that you have told us—I sort of already know the answer, but I've asked it to everybody, so I'll ask it to you too—can you think of any good reason why we should not move with sodium labelling at the same time we move with calorie labelling? Is there value in the incremental approach rather than, "Let's get this done. Let's get this done right," with calories and sodium in Ontario in the near future—which would be months away, but both of them at the same time, rather than one now and one in a future yet to be determined, if ever?

Ms. Renée Gaudet: My short answer would be, there's absolutely no value in waiting. I think it needs to be done now. The evidence is strong. There's no reason for us to delay it, and in delaying it, we're putting Ontarians at risk. We do every day. People don't know what they're eating at restaurants, and they need to know. So I don't think there's any value in delaying. It should be done. I should have been done when you first introduced it.

M^{me} France Gélinas: Agreed. My next is to add reference value, contextual value. The way the bill is written now, it basically leaves it to regulations. The argument behind it is that those values could change over time and you wouldn't want to have to go back. But all that you're asking is that in the bill we see that reference and contextual values be added to the menu or menu board, but those actual values, whether it be 1,700 milligrams of sodium or 2,000 calories, would be made in regulation. I don't want to put words in your mouth, but is this what you're asking us to do?

Ms. Renée Gaudet: Yes. The bill would state that a reference value or a contextual statement be required, but then the regulations would stipulate how that would be worded and what it would look like.

M^{me} France Gélinas: Very good. Thank you.

The Chair (Mr. Grant Crack): Thank you very much. We appreciate it. Thank you very much, Ms. Gaudet, for coming before committee. Again, we apologize.

Ms. Renée Gaudet: Thank you.

TORONTO PUBLIC HEALTH

The Chair (Mr. Grant Crack): Next on the agenda we have, from Toronto Public Health, Mr. David McKeown, medical officer of health. Welcome, sir. You have five minutes, followed by—

Ms. Sophie Kiwala: Excuse me, Mr. Chair. I have a point of order. Do I do that now or—

M^{me} France Gélinas: Later—

The Chair (Mr. Grant Crack): Is it a procedural type of point of order? I'll hear the point of order and then I might have to cut you off.

Ms. Sophie Kiwala: Okay. I just wanted to clarify something that was read into the record yesterday by a member of the opposition, Mr. Hillier.

M^{me} France Gélinas: That's not a point of order.

The Chair (Mr. Grant Crack): No, that's not a point of order, but thanks. Good try.

Mr. McKeown.

Dr. David McKeown: Good afternoon. Mr. Chair, members of the committee. Thank you very much for the opportunity to appear before you today. My name's David McKeown. I am the medical officer of health for the city of Toronto and the executive officer of the Toronto Board of Health. I'll be speaking on behalf of both of us with respect to Bill 45 today.

I would like to state up front that Toronto Public Health, the organization I work with, and the Toronto Board of Health commend the government for taking the step to bring forward this bill, which I believe will be an important measure to improve the health of all Ontarians. The board of health and I have been advocating strongly for many of the changes included in this bill over the past two to three years. We're very pleased to see that the science is being brought to bear on public policy in this area.

In addition to the written submission that was sent to this committee on behalf of myself and the board of health, there are just two of the issues that I'd like to speak to you verbally about today.

First, the current menu labelling proposal does not require sodium values to be posted alongside calorie counts on the menus or menu boards at restaurant chains that the proposed legislation would govern. I heard you having this conversation with the previous speaker. The evidence from analysis of menus from major chain restaurants in Canada has shown that many restaurant foods contain high levels of sodium as well as calories. In fact, a University of Toronto study revealed that the average sit-down restaurant meal, with entrée and side dishes included, what we would normally eat, contains 56% of an adult's daily calorie requirements but 98% of

an adult daily limit for sodium. We know that intake of excess sodium can lead to a range of different serious problems for health, including high blood pressure, heart disease, stroke and kidney disease.

If we were to reduce sodium intake in our population to the recommended level for good health, this would decrease the incidence of hypertension, for example, in Canada by about 30%, and that's a very big change in population health. It would represent more than 23,000 cardiovascular disease events fewer per year across the country, an amount which would equal about \$18 million in direct and indirect health cost savings.

The evidence is that current unhealthy sodium intakes can be reduced in part by providing the right information to consumers. For example, a University of Toronto study again revealed that about one quarter of participants would change their menu selection after seeing calories and sodium added to the menu. Another study by the University of Waterloo found that 38% of participants reported that nutrition information on the menu influenced their choice.

In addition, there is emerging evidence that what restaurants put on their menus influences what the restaurants do themselves. This is certainly not unexpected when we look at transparency initiatives for food safety and pollutant inventory release. Transparency does make a difference in the behaviour of organizations.

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There's also, fortunately, evidence that consumers would support this requirement. A recent panel survey of about 3,000 Canadians found that 75% would like to see calories on the menu and 71% would like to see sodium values. These are by far the two nutrients that, when asked, poll recipients are most interested in seeing. These findings were similar for a subsample here in Toronto; about 79% would like to see calories and 74% would like to see sodium values posted. So this is something that consumers want. Current evidence does support that the posting of both calorie and sodium values on restaurant menus is important, and they should both be reflected in the final legislation which is passed.

I'd also like to speak briefly to proposed changes to the Smoke-Free Ontario Act. I'm very pleased to see that the proposed bill includes a number of important measures that we and other advocates have been arguing for, such as additional powers for local public health inspectors to be able to test the products used in water pipes—this has been a real barrier for enforcement—and increasing enforcement mechanisms and fines, in particular providing clarity on where e-cigarettes can be used and prohibiting the sale of e-cigarettes to minors.

Also, I'm very pleased to see that the Smoke-Free Ontario Act will be amended to ban the sale of all flavoured tobacco products in Ontario. This is important. A recent University of Waterloo research study found that more than half of youth tobacco users in grades 9 to 12 used flavoured tobacco products. These are very attractive for young people starting to smoke. Nearly a third of those smoked menthol cigarettes, so this

demonstrates youth's preference for flavours, and the strong appeal of menthol cigarettes in particular.

I would ask the committee, however, to amend Bill 45 by adding that the ban on flavoured tobacco products be effective immediately, essentially on the date that the bill is proclaimed into law, and by removing section 6.1(3), which appears to unnecessarily allow for an exemption clause for the banning of designated flavoured tobacco products. It might treat some flavours differently than others. I don't think there's any justification for that, based on our understanding of how flavoured products attract youth.

I'd like to end by recommending that, for any of the provisions of the legislation which are intended to be enforced by local boards of health such as ours, sufficient funding be provided to enable credible enforcement. I think credible enforcement is an important part of introducing any kind of legislative change, particularly during the introductory period of the new requirements.

The Chair (Mr. Grant Crack): Thank you very much. We appreciate your input. Mr. Walker?

Mr. Bill Walker: Thank you, Dr. McKeown. A couple of quick ones. One would be that certainly sodium has come up a number of times, both today and yesterday. I think that's one that we've all kind of had brought to our light. I think it's important to keep it simple, so one of the concerns I have is that I think the regulation allows more and more to be added. My concern would be that sometimes if we get too much, we might actually confuse, so the more simplistic the better.

Is there any reason why, similar to sodium, sugar wouldn't be one of those other keys? Because I think it's one of those ones, as well, that certainly may impact who eats or drinks what product.

Dr. David McKeown: When we looked at both the science and the policy implications of making this information available—clearly, you can't have too much on a menu; it just won't fit, for one thing. The argument for calories and sodium as the top two, if you like, I think is very strong, both in terms of consumer demand, impact on health and what the research says about impact on people's behaviours. I wouldn't go much beyond the two. I think that information on all of the nutrients should be available, but not on the menu.

Mr. Bill Walker: Right. Thank you. The other is on e-cigarettes. A lot of the deputations that came forward and those who have sent it in have said, actually, that the flavour certainly has an impact on those using that product as a cessation tool or a lifestyle choice. My one concern is that I understand what you're saying with the youth and if that's inducing them, but on the other hand, what we heard from a lot of the adults who are trying to quit smoking tobacco is that that is a big piece for them.

My fear would be that if we go one way, what do we gain and what do we lose on the opposite side? Certainly, as someone who has lost a sister to lung cancer, I would much rather err there. I think there are things that are also enticing youth to smoke. I've raised contraband here a number of times, and making it illegal for youth to actually possess and/or sell tobacco.

Can you just give me a little bit there? I know time is running out.

Dr. David McKeown: In terms of e-cigarettes, I think we need to treat them—we really don't know how e-cigarettes are going to unfold. It's a new kind of nicotine delivery system. I think that the measures in the bill are a good initial step to hold the tide, so that we're not seeing sales to minors and we're not seeing as wide availability in use as we might see.

In terms of their use as a cessation aid, if they can be shown through good science to be an effective cessation aid, then they should be regulated in the same way as all the other cessation aids. I don't think that there's anything in the bill that would prevent that.

The Chair (Mr. Grant Crack): Thank you very much. We appreciate that. We shall move to Ms. Gélinas.

M^{me} France Gélinas: I will repeat myself, but I ask everyone. You're the last one, so I will ask you also: Can you see any reason why we should not move forward with sodium labelling at the same time as calorie labelling? Is there an argument to be made that we should roll out the calorie labelling and, sometime down the road, at a date yet to be thought of, we will roll out sodium?

Dr. David McKeown: I can't think of any argument for that. In fact, if I was a restaurant operator, I would probably rather change the menus once rather than twice.

M^{me} France Gélinas: And be done. Okay, the next question is very similar: Can you think of a valid reason why we would not ban menthol at the same time as we ban every other flavour of tobacco?

Dr. David McKeown: None at all.

M^{me} France Gélinas: No. The science doesn't support it—

Dr. David McKeown: Treating it differently? No, not in my view.

M^{me} France Gélinas: Okay. There's also a section in the bill that prohibits agencies like yours from going further than what the bill has. That specifically has to do with the calorie labelling. If we only do go with calorie, and sodium is not added, has the Toronto Public Health unit ever looked at regulating for your jurisdiction?

Dr. David McKeown: If the provincial government had not moved forward with this legislation, we would have looked at that, doing it locally. I understand the usefulness of having a level playing field across the province, but we've also often seen public policy advance through innovation at the local level, which demonstrates feasibility, demonstrates public acceptability. Then we can see how it can be done on a larger canvas.

M^{me} France Gélinas: Although I support the statement that you've made, that you want resources for credible enforcement by the health units of those new measures, I doubt if this is something you will see in the bill. But I certainly support making sure that the bill comes with teeth, and if people are not respecting the calorie labelling or the flavour ban or whatever, that the health units have the resources to make sure that they comply with the law.

The Chair (Mr. Grant Crack): Thank you very much. We'll move to the government side. Ms. Hoggarth.

Ms. Ann Hoggarth: Good afternoon. I'd just like to say that I'm definitely an advocate for children and youth, being a former elementary teacher, and I think Bill 45 will help to protect children and make them live as least as long as this generation, and right now that's not what the research says is going to happen. So I'm very pleased with this bill, and I do believe that there's flexibility in it. Do you believe there's flexibility in this?

Dr. David McKeown: I believe the measures in the bill are an important way of protecting children from tobacco, for example, and of course when they're making their own decisions, in restaurants, from excess exposure to sodium and calories.

Ms. Ann Hoggarth: Good. Are you concerned that having different regulations in different towns and cities across Ontario may be onerous on business and confusing to consumers?

Dr. David McKeown: I think that is a real issue. We, certainly, when we try and legislate at the local level, try and work with surrounding jurisdictions to try and keep the playing field level for business. However, I don't think that should stop us from doing the right thing for the health of the population.

Ms. Ann Hoggarth: Okay. Were you consulted by the government on the proposed menu labelling legislation?

Dr. David McKeown: I actually reported to my board of health on this matter before the government brought the legislation forward, so we were advocates. We did have an opportunity to provide input in the earlier consultations in 2013.

Ms. Ann Hoggarth: Do you believe Bill 45 takes an appropriate approach to regulating e-cigarettes in Ontario?

Dr. David McKeown: Yes, it's very close to the approach that I recommended to the board of health.

Ms. Ann Hoggarth: Thank you so much for your presentation.

Ms. Sophie Kiwala: I would like to correct the record.

The Chair (Mr. Grant Crack): Thank you very much.

Ms. Kiwala, on a point of order to correct your record.

Ms. Sophie Kiwala: To correct a record, yes. There was a statement read into the record yesterday by the member from Lanark-Frontenac-Lennox and Addington—

The Chair (Mr. Grant Crack): Is it a point to correct your record on what you actually said?

Ms. Sophie Kiwala: Not my record.

The Chair (Mr. Grant Crack): Okay. It's only permitted that a member can correct their own record. So it's not a point of order.

Ms. Sophie Kiwala: Okay.

M^{me} France Gélinas: But it would be very cool if we could do what you're doing. I've been wanting to do this for a long, long time.

The Chair (Mr. Grant Crack): We're going to be adjourning at 6, according to the Clerk, so you have a few seconds. Mr. Walker.

Mr. Bill Walker: That's all I need, Mr. Chair. I would like to move that the deadline for amendments to Bill 45 be extended to 10 a.m. on Friday, April 24, to ensure that we have the ability to include as many of the amendments that we've heard in our deputations.

Interjections.

Mr. Bill Walker: It's only an extra couple of hours. It allows—

Interjections.

The Chair (Mr. Grant Crack): A little bit of order. Order, please, as I consider the motion. Thank you very much.

Mr. Walker has moved extending the deadline. The deadline has been set by this committee—it was done on

April 13—for 3 p.m. tomorrow, which is April 23. Is there any further discussion? What are you extending it to, Mr. Walker?

Mr. Bill Walker: I would ask that we extend it to 10 a.m. on Friday, April 24.

The Chair (Mr. Grant Crack): Ten a.m. on Friday.

Mr. Bill Walker: Because of budget day tomorrow, we're not going to have much time in the afternoon—

Mr. Mike Colle: Just keep stalling and stalling.

Interjections.

The Chair (Mr. Grant Crack): So unfortunately, it is 6 o'clock.

Mr. Bill Walker: You're not going to call the vote.

The Chair (Mr. Grant Crack): I can't call the vote. The meeting has to be adjourned. I apologize. I was good before, but this meeting is adjourned.

The committee adjourned at 1800.

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ISSN 1180-5218

Legislative Assembly of Ontario

First Session, 41st Parliament

Assemblée législative de l'Ontario

Première session, 41^e législature

Official Report of Debates (Hansard)

Monday 27 April 2015

Journal des débats (Hansard)

Lundi 27 avril 2015

Standing Committee on General Government

Making Healthier Choices
Act, 2015

Comité permanent des affaires gouvernementales

Loi de 2015 pour des choix
plus sains



Chair: Grant Crack
Clerk: Sylwia Przeddziecki

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Monday 27 April 2015

Lundi 27 avril 2015

*The committee met at 1401 in committee room 2.*MAKING HEALTHIER CHOICES
ACT, 2015LOI DE 2015 POUR DES CHOIX
PLUS SAINS

Consideration of the following bill:

Bill 45, An Act to enhance public health by enacting the Healthy Menu Choices Act, 2015 and the Electronic Cigarettes Act, 2015 and by amending the Smoke-Free Ontario Act / Projet de loi 45, Loi visant à améliorer la santé publique par l'édiction de la Loi de 2015 pour des choix santé dans les menus et de la Loi de 2015 sur les cigarettes électroniques et la modification de la Loi favorisant un Ontario sans fumée.

The Chair (Mr. Grant Crack): Good afternoon, everyone. I'd like to call the meeting to order.

This is the Standing Committee on General Government. Today, we are here to deal with Bill 45, An Act to enhance public health by enacting the Healthy Menu Choices Act, 2014 and the Electronic Cigarettes Act, 2014 and by amending the Smoke-Free Ontario Act.

I'd like to welcome everyone: all members of the committee, the Clerks' office, Hansard and members of the public who are here this afternoon.

As the first order of business, we will continue with a motion that Mr. Walker put on the floor prior to the termination of the last committee meeting.

I will read the motion. On Wednesday, April 22, Mr. Walker moved "that the deadline for amendments to Bill 45 be extended to 10 a.m. on Friday, April 24, 2015."

Immediately after the motion, as I mentioned, the committee adjourned as a result of it being 6 p.m. So the motion that was on the floor, and is on the floor, is the first order of business that I have to finish up.

As the motion proposes a timeline for the committee's work that is now in the past and would not affect an action—the filing of amendments to Bill 45—that has already been completed by the members of this committee, I rule that the motion is no longer in order.

We shall now move to clause-by-clause consideration of Bill 45.

Are there any introductory questions or comments prior to beginning? Ms. Kiwala.

Ms. Sophie Kiwala: Good afternoon, everyone. Before we begin clause-by-clause, I would like to say that I

was very impressed with everyone who came before this committee and provided very thoughtful deputations on this important bill. I know that all of my colleagues on the committee—the committee members from the government, the official opposition and the third party—very much appreciated each presentation, and we're grateful to everyone for taking the time to answer our questions.

Again, I would like to say thank you to all the deputants who appeared before the committee or provided a written submission. Thank you for your advocacy.

I especially want to thank the youth who appeared before the committee. They were most impressive and did a fantastic job.

I also want to acknowledge all my colleagues on the committee, who have worked hard in considering Bill 45 at the committee stage. I know that we all look forward to clause-by-clause deliberation.

I know that we have all-party support for this important piece of legislation, and that is fantastic. I realize that my colleagues, and also all Ontarians, look forward to this bill moving forward and back to the House for third reading.

The three pieces of legislation that make up Bill 45, each with their own distinct schedule, have at their core the idea that if we eat better, exercise more and smoke less, up to 90% of type 2 diabetes, 80% of coronary heart disease and one third of cancers can be avoided. Prevention is a key part of staying healthy, and we can help ensure that Ontarians have the information they need to make better choices and stay healthy. We can help to protect Ontarians, especially the youngest among us, from dangers and potential harms to their health and well-being.

Bill 45, if passed, will do just that. That is what these three pieces are about: helping the people of Ontario and making sure that youth have the best possible chance to lead a healthy life.

At this time, I would like to note that despite some claims, this legislation does not ban e-cigarettes or flavours of e-liquid. The strength of Bill 45 is that it is a precautionary piece of legislation that does not leave the health of Ontarians to chance. That is why, in the case of the legislation on e-cigarettes, the language is flexible enough that, should new and reliable scientific evidence show that they are an effective cessation tool and do not have harmful, long-term side effects, the regulations can be adjusted accordingly. But until such time, and in the absence of definitive evidence, responsible government is

obliged to err on the side of caution and protect those under 19 from starting to vape.

We have listened to the concerns of the specialty e-cigarette retailers and we believe that this is the best way to go about addressing these concerns, and that is through regulations and consultations. Should Bill 45 pass, the government will be open to giving strong consideration to exempting specialty e-cigarette retailers from the proposed retail display ban.

Again, I know that we all look forward to clause-by-clause and getting this important legislation back to the House for third reading as soon as possible. Thank you, Mr. Chair.

The Chair (Mr. Grant Crack): Thank you very much, Ms. Kiwala. Do we have any other questions or comments?

Mr. Jim McDonell: I'm just wondering—it's kind of funny at this stage, but you're looking at "strong consideration." Is there not some firmer direction than—everybody has heard those types of words before. They don't mean a lot, other than that somebody who has brought something forth may think of changing their mind. I'm just surprised at the comment.

The Chair (Mr. Grant Crack): Okay. Thank you very much, Mr. Walker.

Mr. Bill Walker: Thank you very much, Mr. Chair. I just want to express my concern and disappointment in regard to that motion that I put on the floor last week, not being able to be there to allow more members of the public to have their say. I don't think from Thursday to Friday it would have had a serious implication from a negative perspective. It would have allowed people who were engaged and wanted to be engaged to speak, and I'm saddened that the government wouldn't allow that to happen.

The Chair (Mr. Grant Crack): Thank you, Mr. Walker. Ms. Gélinas.

M^{me} France Gélinas: I too would like to thank everybody who got engaged. We did get an awful, awful lot—not awful—in a good way. We got a lot of comments on this bill, which is great. It's great to see democracy in action where people actually get involved. It made our work extremely difficult to turn the comments that we heard into amendments that could be supported in a piece of legislation, which means that you will see, as you go through—I worked with counsel as best I could, but some amendments didn't get it right the first time. You will see, as we go through the list of amendments, that some of them—simply because of time.

I would really like us to learn from this. If the Clerk tells us that they have already received hundreds of requests to be heard, maybe it's not that wise to go through Monday, Tuesday morning, Tuesday afternoon, Wednesday afternoon and then on the Thursday we need to have all of this done.

It doesn't do justice to the people who—frankly, it's not that easy to come to Queen's Park, especially when you come for the first time, and those people did put in the time, the effort, the energy to come and talk to us. I

would like to be respectful in hearing what they have to say, but I still have to do my work as an MPP to bring those changes forward. The turnaround time was not realistic. So: Lesson learned. Next time we schedule those things, let's ask the Clerk—if they already have 100 people who are waiting to be heard, let's give ourselves more than 16 hours between the last person we hear and the deadline for amendments to be in. That was tough for everybody. You will see that a lot of my amendments still need work.

1410

The Chair (Mr. Grant Crack): Thank you very much. Any further comments? There being none, we shall move to clause-by-clause consideration. Before you, you have schedule 1. There are no amendments.

Interjection.

The Chair (Mr. Grant Crack): Oh, section 1, sorry. Shall section 1 carry?

Mr. Mike Colle: Recorded vote, and, Mr. Chair, could we have a recorded vote on all votes, please, on sections and amendments?

The Chair (Mr. Grant Crack): That request is in order so we shall move forward with recorded votes on each and every section and amendment.

Shall section 1 carry? Those in favour.

The Clerk of the Committee (Ms. Sylwia Przewdziecki): Mr. Colle, Ms. Kiwala, Ms. McMahon, Ms. Vernile—

M^{me} France Gélinas: Chair, I'm not sure what section 1 refers to.

The Chair (Mr. Grant Crack): Is this a point of order?

M^{me} France Gélinas: I suppose it's a point of confusion.

Mr. Mike Colle: We're in the middle of a vote.

The Chair (Mr. Grant Crack): We are in the middle of a vote. Section 1 is in the bill and I've asked: Shall section 1 carry? I would ask that all members raise their hands accordingly to determine how you would like to vote, if, in fact, you choose to vote. Have we done the "in favour," Madam Clerk?

Ms. Daiene Vernile: Point of order.

The Chair (Mr. Grant Crack): Point of order: Ms. Vernile.

M^{me} France Gélinas: I've just been told that a point of order would not be taken in the middle of a vote.

The Chair (Mr. Grant Crack): That is true. I apologize. I had asked for the vote, so I'm asking for those in favour. We'll do that again for clarification because there have been a couple of interruptions here. Once I call for a vote there is no more discussion, so we'll move forward.

Ayes

Colle, Kiwala, McMahon, Vernile, Walker.

The Chair (Mr. Grant Crack): None opposed. Section 1 is carried.

Ms. Daiene Vernile: Point of order, Mr. Chair.

The Chair (Mr. Grant Crack): Point of order: Ms. Vernile.

Ms. Daiene Vernile: There's a fair amount of confusion as to whether we're talking about subsections or the entire section. We're not really certain on what we're voting.

The Chair (Mr. Grant Crack): During clause-by-clause consideration we have various sections. We have sections 1, 2, 3, all the way to—

Ms. Daiene Vernile: Mr. Chair, we do have the sections, but we have subsections. I didn't hear you mention the subsections.

The Chair (Mr. Grant Crack): If the subsections are in the section, they are part of the section.

Ms. Daiene Vernile: Okay. But we didn't hear you mention if we're voting on subsections.

The Chair (Mr. Grant Crack): No. We're voting on section 1 of the bill. Previously, the Clerk had mentioned Mr. McDonnell's name during the vote, but unfortunately he is not entitled to vote at this particular time. I just wanted to make that clear. So that vote, if it is recorded, is not valid. Mr. Walker.

Mr. Bill Walker: On behalf of most of us, I think we're still unclear on what we're actually voting on. If we look at page—I'm not certain there's a page number on this bill, but we're talking about "Contents of this act," number 1. Is that what we just voted on? Because we have "Contents of this act, 1, 2"—

The Chair (Mr. Grant Crack): I'm going to ask the Clerk to clarify.

The Clerk of the Committee (Ms. Sylwia Przedziecki): Members have before them a copy of Bill 45. On the first page of the bill, inside the cover, where you have the title, below the contents, we start with number 1. So section 1 is what the Chair just put the vote on. This act consists of three sections and then three schedules. Each schedule is also composed of a number of sections.

During clause-by-clause consideration, the Chair will take the committee through the bill, clause by clause—meaning section by section—and will put the question on every section, those being sections 1, 2, 3 of the bill, and then he will deal with the schedules.

M^{me} France Gélinas: So we have now voted to accept all the way down to:

"Short title

"3. The short title of this act is the Making Healthier Choices Act, 2014." This has been carried and voted for?

The Chair (Mr. Grant Crack): Only the part in which it says section 1. Section 2 follows, and then there's section 3, which is the short title. I will deal with section 1, section 2 and section 3 first.

M^{me} France Gélinas: Okay. I know where you are.

Ms. Sophie Kiwala: Mr. Chair, can we have a five-minute recess, please?

The Chair (Mr. Grant Crack): Is it the wish of the committee to allow for a five-minute recess to allow for some clarification on all sides, I believe? Do I have consensus? Okay, five-minute recess.

The committee recessed from 1415 to 1420.

The Chair (Mr. Grant Crack): Okay, back to order. I hope everything has been clarified for everyone's benefit. We are dealing with the sections of the bill at the beginning, prior to entering into the schedules. We've already completed the vote on section 1.

I shall move to section 2 of the bill. There are no amendments. Shall section 2 carry?

Ayes

Colle, Dickson, Gélinas, Kiwala, McMahon, Vernile, Walker.

The Chair (Mr. Grant Crack): None opposed. Section 2 is carried.

We shall move to section 3. There are no amendments. Shall section 3 carry?

Ayes

Colle, Dickson, Gélinas, Kiwala, McMahon, Vernile, Walker.

The Chair (Mr. Grant Crack): None opposed. Section 3 is carried.

We shall move to the schedules of the bill, starting with schedule 1. We have an amendment from the third party on schedule 1, subsection 1(1). Ms. Gélinas.

M^{me} France Gélinas: I move that the definition of "food service" premises in subsection 1(1) of schedule 1 of the bill be amended by adding "and includes any supermarket, convenience store or theatre at which meals or portions of meals are prepared, sold" and "served for such a purpose and in such a manner".

We're starting with the definition. It will become clearer as to what they will have and won't have to do later on, but as some of the deputants who have come by—there was confusion as to whether they were included, because they didn't see themselves as a food-service premise because they have the name of a theatre. It's just to make it clear in the bill so that we can see what we will do with those, if they will be included or not included, as we move on later on in the sections of the bill.

The Chair (Mr. Grant Crack): Thank you very much. Just a reminder to all members of the committee, when you put forward a motion to amend any schedule of the bill or any aspect of the bill, stop after reading in the motion so that I can recognize that there has to be debate, for the simple reason that, on occasion, there are some pronunciation irregularities within what was read and what has been proposed in writing. I would just remind the members of that.

Secondly, I believe what you meant is "food service premise," not "premises," and also "sold or served" and not "and." Those are the types of things that I need to make sure are clarified.

Thank you for beginning the debate, Ms. Gélinas. Any further debate on the motion? Mr. Walker.

Mr. Bill Walker: I just want to remind all members of the committee that the Retail Council of Canada opposed the grocery stores because of the complexity, the volume and the potential impact, negatively, this will have on their industry.

The Chair (Mr. Grant Crack): Thank you. Any further discussion? Ms. Kiwala.

Ms. Sophie Kiwala: We feel that the amendment is unnecessary, as the current definition of “food service premise” already includes supermarkets, convenience stores and theatres. The definition in the proposed legislation as written is consistent with regulations under the Health Protection and Promotion Act.

The Chair (Mr. Grant Crack): Thank you. Ms. Vernile.

Ms. Daiene Vernile: I was just going to reiterate what MPP Kiwala said. We appreciate the nature of this suggestion, of this motion, but it would seem unnecessary and redundant.

The Chair (Mr. Grant Crack): Thank you very much. I would remind all members, before calling for the vote, please speak directly into your microphones. That will help us to assist Hansard in ensuring the accuracy of what is being said here this afternoon.

No further discussion? I shall call for the vote.

Ayes

Gélinas.

Nays

Colle, Dickson, Kiwala, McMahon, Vernile, Walker.

The Chair (Mr. Grant Crack): The motion is defeated.

We shall move to PC amendment number 2 which amends schedule 1, subsection 1(1). Mr. Walker.

Mr. Bill Walker: So we’re adding the definition of “operates” to better reflect the structure of some food-service businesses. We certainly—

The Chair (Mr. Grant Crack): Could you just please read the motion into the record prior to discussion?

Mr. Bill Walker: Oh, sorry, Chair. Schedule 1 to the bill, subsection 1(1): I move that subsection 1(1) of schedule 1 to the bill be amended by adding the following definition:

“‘operates’ means, in relation to a regulated food service premise, a person who has responsibility for and control over activities carried on at the food premise;”

The Chair (Mr. Grant Crack): Thank you very much. Further discussion?

Mr. Bill Walker: Thank you very much, Chair. What we’re trying to differentiate here is—we had a number of our deputants come in and suggest to us that, certainly, franchisors have concerns that the definition referring to a franchisor as “one who owns or operates a food service premise” is factually incorrect and makes the franchisor liable for activities out of their control. The franchisor

does not have control over the day-to-day operations of its franchisees. Franchisees are independent business owners.

So the clarity we’re trying put in there is that it operates—so the person who is actually operating is the one who has day-to-day control, and that’s who should be responsible.

The Chair (Mr. Grant Crack): Further discussion? Ms. McMahon.

Ms. Eleanor McMahon: We’re voting against this motion, Mr. Chair, because we recognize that there are concerns about the definitions of “owner,” “operator” and “franchisor,” which is why we’ve brought forward motion 3 to the bill. Also, we’re concerned that limiting the bill only to operators may enable owners or franchisors with responsibility for, and control over, food-service premises to avoid responsibility for complying with this bill.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote.

Ayes

McDonell, Walker.

Nays

Colle, Dickson, Gélinas, Kiwala, McMahon, Vernile.

The Chair (Mr. Grant Crack): The motion is defeated.

We shall move to government motion number 3 which is an amendment to schedule 1, subsection 1(2). Ms. Kiwala.

Ms. Sophie Kiwala: Subsection 1(2) of schedule 1 to bill: I move that subsection 1(2) of schedule 1 to the bill be struck out and the following substituted:

“Franchisors, etc.

“(2) For the purposes of this act, a person who owns or operates a regulated food service premise means a person who has responsibility for and control over the activities carried on at a regulated food service premise, and may include a franchisor, a licensor, a person who owns or operates a regulated food service premise through a subsidiary and a manager of a regulated food service premise, but does not include an employee who works at a regulated food service premise but is not a manager.”

The Chair (Mr. Grant Crack): Discussion?

Mr. Bill Walker: Similar to my last motion, Mr. Chair, we remain concerned that removing franchisors from the bill ensures that the distinction of liability is maintained for fairness and consistency and to keep franchising as an attractive investment opportunity. Franchisors should not be legally responsible for the franchisees obligation to comply.

I believe when the Canadian Franchise Association was in they were worried, and they shared with us the implications that could arise out of this. They certainly allow the operator to utilize the franchise patent and all

of those types of things, but, at the end of the day, they cannot control day-to-day operations and the things that an individual franchisee may do in non-compliance. They're concerned very much that that responsibility is going to remain with them, so we remain opposed on that merit.

The Chair (Mr. Grant Crack): Any further discussion? Ms. Kiwala.

Ms. Sophie Kiwala: We are voting for this motion because the intent of our bill is to allow inspectors the discretion to charge the person responsible for non-compliance whether at the corporate or single franchise-owner level. This is about fairness.

The motion clarifies that only persons who have responsibility for, and control over, the activities carried on at the foodservice premise would be responsible for compliance.

The bill is consistent with the Health Promotion and Protection Act, so on this question of compliance, public health inspectors already have long-established and rigorous experience that helps them determine who is at fault in any given situation. The precise implementation of Bill 45 will be addressed in the legislation's accompanying regulation.

1430

We have committed to reaching out to industry stakeholders, if and when Bill 45 passes third reading, to engage in robust discussion to ensure menu-labelling legislation is rolled out in a way that is fair.

The Chair (Mr. Grant Crack): Thank you very much. Ms. Gélinas.

M^{me} France Gélinas: I think when the association representing the franchises came, they made some valid points. I think with the rewording, we're coming closer to realizing that franchisor and franchisee each have a set of responsibilities that vary from franchise to franchise. Some of them are very scripted, and some of them not as much. I think the new language would allow us to make sure that everybody is captured if it has a responsibility towards the recipe, the portion size etc. that would lead to the number of calories. But if they don't, then they would not be held responsible either. I think it's a good amendment.

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? I shall call for the vote.

Ayes

Colle, Dickson, Gélinas, Kiwala, McMahon, Vernile.

Nays

McDonell, Walker.

The Chair (Mr. Grant Crack): The motion is carried.

We shall move to PC motion 4, which is an amendment to schedule 1, subsection 1(2). I would remind all members of the committee that you're fully entitled to,

but at the start of each motion—for instance, the one Mr. Walker is going to be reading in. It says, "Schedule 1 to the bill, subsection 1(2)." That's already in the portion where he's going to move, so it's not really necessary that you duplicate that. I just wanted to bring that to your attention. You can; I'm not saying you can't. But to move things along quickly—that's my job, to ensure that we conduct business in an orderly fashion.

Mr. Walker.

Mr. Bill Walker: Thank you, Mr. Chair. In the spirit of efficiency, I move that subsection 1(2) of schedule 1 to the bill be struck out.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Walker. Further discussion? Mr. Walker.

Mr. Bill Walker: We want to just make sure that we're not putting costly and time-consuming burden on business owners that may not be of benefit. It really just removes the requirement that the number of calories be displayed on each menu and all displays. I think someone came in and had a bulletin little menu board, that that's another way that we could do it.

We want to make sure that it's not inadvertently going to be impacting and creating a lot of cost to particularly those agencies and organizations, convenience stores and food stores, that have a large volume of product to put that on, and all of a sudden it changes and now they've got to go back and re-label.

I think what we want to do is make sure legislation is flexible and allow that—we certainly want that information available, but it doesn't have to be on every single menu, if you're talking about thousands of menu items in a store.

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? Ms. Gélinas.

M^{me} France Gélinas: Well, just that by taking out entirely the section that deals with franchisors, you have to realize that in Ontario, most of the people who will be covered by the bill are Tim Hortons, McDonald's, Pizza Huts—if we take them out of the bill, we're taking a big chunk of who needs to follow up on the bill. So I have a little bit of an issue with that.

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? Ms. Vernile.

Ms. Daiene Vernile: As an amendment to this, motion 2 was defeated. My question to you is, do we even need to vote on this?

Mr. Bill Walker: Yes, we do.

Ms. Daiene Vernile: Then we shall.

The Chair (Mr. Grant Crack): Thank you, Acting Chair. I appreciate that.

Mr. Bill Walker: Well, we wouldn't have put it in if we didn't want it voted on.

The Chair (Mr. Grant Crack): Yes. It's somewhat different. It's similar, but somewhat different as well.

Ms. Daiene Vernile: So even though motion 2 was defeated, this, that relates to it—we are still going to vote on it?

The Chair (Mr. Grant Crack): It's a completely different motion.

Ms. Daiene Vernile: Thank you.

The Chair (Mr. Grant Crack): You're welcome. Mr. Hillier.

Mr. Randy Hillier: I just want to add, this part of the legislation, franchisors and franchisees—they're not all Tim Hortons. The legislation is very blunt. It lumps everybody in together. There are franchises that exist that are two or three different locations.

M^{me} France Gélinas: They wouldn't be covered. You have to have 20.

Mr. Randy Hillier: I'm just saying, there's a bundle of different sorts of franchises. I think the legislation is too blunt. It will capture people that it doesn't want to capture. It will put an onus on people who don't have any responsibility.

Whenever we're looking at creating laws, and whenever we're scrutinizing and evaluating the legislation in front of us, we have to think about not just the majority of people who are going to be captured by the law, but the exceptions to that majority as well. That's why legislation ought not to be blunt. It ought to be precise and only capture those who are intended to be captured.

I think we'll see this through a number of different clauses in this piece of legislation where it is indeed very blunt and will be very onerous and harmful to many that it wasn't intended to be. I'll leave it at that.

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? Ms. McMahon.

Ms. Eleanor McMahon: I just want to state for the record in response to my friend opposite that I think it's important to remember that the precise implementation of the bill will be addressed in the regs and that we've committed to reaching out to industry stakeholders, if and when the bill is passed, in order to engage in a robust discussion to ensure that menu-labelling legislation is rolled out in a way that is a fair. I just want to add that—

The Chair (Mr. Grant Crack): Thank you very much.

Ms. Eleanor McMahon: —to the discussion, Mr. Chair. Thank you.

The Chair (Mr. Grant Crack): Ms. Vernile and then Mr. Hillier.

Ms. Daiene Vernile: And again, this is about stressing fairness, regardless of size of the operation. So whether we're dealing with a large corporate office or a much smaller franchise/franchisee, again, our target for this is to be fair to everyone, to allow inspectors the discretion to go in and if they have to charge the person responsible for non-compliance, regardless of how big or small the operation is.

The Chair (Mr. Grant Crack): Thank you. Mr. Hillier.

Mr. Randy Hillier: I'll never disagree or suggest that the intention of the law is not well intended. But I'm sure everybody around this committee has had constituents come into their office where they have faced the application of the law in an unfair way. That statement will of course be more applicable and more understood by people who have been in elected office for longer periods

of time. It should be intuitive that the longer you're around, the more you're going to hear. So it's not the intention of the law that is in question, it's how it will be applied, who it will apply to, and will fair and just outcomes actually be the certainty of it, not just the possibility or probability of it?

I would say to Ms. McMahon that leaving details of the law to the regulatory process—you used the words “robust discussion.” There is no discussion at the regulatory stage. The regulations will never come before this committee for discussion. The regulations will never come before the Legislature for discussion. The regulations are done by others, and we will never have an opportunity to comment on them, refute them, argue them or give them our blessing.

So when I see legislation that comes before us where people say, “Well, it's all well intended. Just leave it up to the regulatory framework to deal with these things,” that's where the rubber hits the road and that's where the problems get created, because now our perspectives are not shared with those people who are making the regulations. Those regulations are being crafted up by ministry administrators, by ministry officials, with an absence of political or constituent perspectives into the equation.

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It's a dangerous path when we create legislation that gives broad authorities to the administration of government, but we don't know what or how they're going to actually be created through the regulations. All that will happen, for those who are interested, we'll get a copy of the gazette on the day that those regulations are gazetted, and they'll be law.

A good example of that is the G20 regulation that caused so much trouble. The G20 regulation, describing the boundaries of where the police enforcement and authorities would be during that G20 summit never came before this committee, never came before any committee, never came before any legislative body whatsoever. It was a total muck-up. I would encourage everyone here to actually read that G20 regulation, because there's no way anybody would be able to make heads or tails out of the bureaucratic language that was created with the G20 regulation. At the end of the day, long after it was passed, that G20 regulation was removed with a new bill that was introduced, Bill 34, at the time.

So if we want to have robust discussion and ensure that the law that we're creating is precise, functional and practical, then we never want to leave it up to the regulators to make the final determination. Thank you.

The Chair (Mr. Grant Crack): Thank you, Mr. Hillier.

Ms. Vernile?

Ms. Daiene Vernile: With all due respect, I think it is a bit peculiar to be comparing policing with healthy eating.

We've listened to Ontarians who have told us loud and clear that they would like to have information on the calorie count in the foods that they are buying. You talked about a dangerous path. The fact that half of

Ontarians right now are battling with obesity, that's a dangerous path to having ill health. So all we are stating is that we want Ontarians to have access to the number of calories that are in the foods that they are purchasing. They want this information, we see it other in jurisdictions, and we are happy to provide that for them.

The Chair (Mr. Grant Crack): Thank you.

Mr. Walker had his hand up first. Mr. Walker?

Mr. Bill Walker: I just want to clarify: I want the record to show that we're not opposed to that whatsoever. All we're saying is that there are different ways to do it. Sometimes—to Mr. Hillier's point—we can inadvertently cause a lot of duress to a business or businesses by making it too stringent. I think we just want to make sure that we're considerate of that and that we're not putting something else in. If there's an easier way to be able to advertise and promote that calorie count that is amenable to and going to work for the individual, the consumer, but also be fair and non-restrictive to the actual operator, then I think we need to look at that. That was the intent of the motion.

The Chair (Mr. Grant Crack): Thank you very much.

Mr. Hillier and then Mr. McDonell.

Mr. Randy Hillier: Just for clarification, I wasn't equating counting calories or making healthier choices with police actions. What I was drawing a parallel between is the creation and application of the law. Whether it's a policeman who enforces the law or whether it's a health inspector, or whatever, the law and how it is created is what I was drawing the distinction to. If we only allow administrators to craft up the actual laws—the regulations—then we end up missing out on that political and constituent perspective and how it's going to be impacting on people. I wanted to draw that distinction.

Counting calories is not the same as a G20 summit. It's not the same as people dressed up in black, smashing windows. But if we're going to say that how we created the law for the G20 summit is a fine way of creating a law, and we're going to do it for this as well, then don't be surprised if we have some problems down the road that you'll face in your constituency office, when you get a small business owner or somebody else who has been captured in an unintended way.

I just put that out there: Be very judicious about removing our responsibilities and delegating them to some other body that is beyond our reach, beyond even our knowledge of who they are. We are the people who have been elected to create the law, not the administrators in any particular ministry. I'll leave it at that.

The Chair (Mr. Grant Crack): Thank you very much.

Mr. McDonell, did you have any comments? Yes? Okay, Mr. McDonell.

Mr. Jim McDonell: I was here during the G20 debate, and certainly those were regulations. But it still belongs to the enforcement, whether it be a policeman, whether it be food inspectors, or whether it be the TSSA, which I hear in my riding go in and, very much not

through legislation but through regulation, cause a lot of issues and a lot of disruption to our small manufacturers.

We very much have a lot of concern. I know it's easy to scoff it off as not police officers, but it still is an enforcement arm of this government. We've seen—I guess I've heard of many abuses in the past, and of course we're concerned about that.

The Chair (Mr. Grant Crack): Thank you very much. Any further discussion?

Ayes

McDonell, Walker.

Nays

Colle, Dickson, Gélinas, Kiwala, McMahon, Vernile.

The Chair (Mr. Grant Crack): The motion is defeated.

We shall move to PC motion 5, which is an amendment to schedule 1, new subsection 1(3). Mr. Walker?

Mr. Bill Walker: I move that section 1 of schedule 1 to the bill be amended by adding the following subsection:

“Grocery stores and supermarkets

“(3) For the purposes of this act, a regulated food service premise does not include a food service premise that is operated within a grocery store or supermarket.”

The Chair (Mr. Grant Crack): Thank you very much. Any further discussion?

M^{me} France Gélinas: I would say that the provision of the bill that talks to how many—you have to have 20 different premises operating in Ontario. You have to be of a certain size.

Given that more and more people don't cook at home anymore, they go to the grocery store. The grocery stores have entire departments dedicated to food that is ready to eat, to be consumed. They have to be included. This is the way of the future.

Is the way that the menu labelling is going to be done—absolutely, take their input into account as to: Is it going to be with the little flag when it says that 100 grams is worth so much money and so many calories? There will be different ways of doing that. But they have to be included because so many Ontario families don't cook at home anymore. This is the food that they eat. If they were to cook, they would have all of this nutritional information, but they don't. Let's move on with the times.

The Chair (Mr. Grant Crack): Thank you very much. Mr. Walker?

Mr. Bill Walker: Just again, this amendment exempts grocery stores from any labelling requirements. The idea being, again, a lot of these grocery stores, particularly in our small rural areas, may have two or three or four different suppliers of various products, and to get the identical is the real challenge.

Again, to my colleague who just referenced some examples of what's in the regulation, and some over-zealous inspectors could go in looking for this. It's not the intent. We certainly support the spirit, but to say it has to be identical in every grocery store within that chain—again, it's a difference between the franchisor and the franchisee and how to get that identical. It's just one of those things that I think we could amend and ensure that someone's not going to inadvertently be caught in this.

The Chair (Mr. Grant Crack): Thank you. Ms. Vernile?

Ms. Daiene Vernile: Mr. Chair, I would like to add my support and my voice to what MPP Gélinas has said. Where I grocery shop in Kitchener Centre, a grocery store called the Highland Hills Plaza—in the grocery store there's a sushi stand. But I know the lady who's behind the counter there doesn't work for the grocery store. She's just renting space. She is preparing the sushi for customers. I've bought there many times and it's delicious, but I sure would like to know what the calorie count is there. She needs to be able to provide that information.

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The Chair (Mr. Grant Crack): Thank you. Mr. McDonell.

Mr. Jim McDonell: I think this bill captures and realizes in a very big way that you have to have a number of stores or distributors before it makes sense. I go to my local independent store. There are some in Cornwall, Morrisburg and Ingleside. They all have some staff, a chef who makes up some—I'm talking about some of the shepherd's pies or—in a way, it's up to the cook who is there. These are not identical items. These are not packaged and on the shelf. If this was a local hot dog stand, it's exempted because there aren't 20. This is something similar.

In the store you're talking about, yes, there's one person who is selling something that's not part of the chain, and yet we're going to make them fall under the same rules as if these things were made centrally and shipped out. But they aren't. I'm sure that in many areas in this country there are many different tastes and things are done differently in different areas based on what's liked and what's not liked. I think that's just good business. Now you're taking the ability to do that out of the hands of the local chef or cook, in this case, because they've all got to be the same. I don't think that would be the intent of this; at least, I hope it wouldn't. If they're different, they're different.

The Chair (Mr. Grant Crack): Ms. Vernile.

Ms. Daiene Vernile: We're just trying to ensure that Ontarians have the information that they're asking for. They want to know what the calorie count is. Once you figure that out, you have that information and you move forward from there. You don't have to keep doing it day by day or week by week. Again, this is about empowering consumers so that they can make healthy choices.

The Chair (Mr. Grant Crack): Thank you very much. Mr. McDonell.

Mr. Jim McDonell: I'll just say that in the village of Lancaster, there are about 10 different restaurants. There's a McDonald's and there's a Burger King and there's a Denny's. That's what I would think this captures. There are another seven stores that are all independent operators that make food based on what they're trying to sell to the public. There are certainly one or two stores. I think there's one of them that's a small local franchise of five or six stores, but the food is not consistent. You exclude those.

So I'm not sure why, when you have maybe a big grocery store and you have somebody individually making food there, that all of a sudden they have to obey the rules as if they were a major operator. They aren't. These things are made for the local market that's there. They're not necessarily the same. If I go to the store down at the old Maple Leaf Gardens, it's vastly different than the same chain in Cornwall or Ingleside, which may or may not have food like that. These stores are small. They're franchises, sure, but the local food that's prepared there is very different.

I think the intention is to capture where things are done repetitively and they're easy to do, because you do it once and you split the cost over many different sites. In this case here, you're doing it once. Who do they get to do this analysis of the food? It's not the same as Tim Hortons coming in, because they're all identical; that's how they make their living. These stores allow for some individuality that allows people to enjoy the food, possibly a little bit more, and it's different.

The Chair (Mr. Grant Crack): Thank you very much. Ms. Gélinas.

M^{me} France Gélinas: This is one of the cases where, had we had more time—I tried to work on something like this, but the way you have it now it excludes from the definition any foodservice premises operating within a supermarket or a grocery store. So if you have a McDonald's within the supermarket, if you have a Pizza Hut within a grocery store, it would be excluded.

Had we had more time to work on our amendment, it would have been good to capture what you're trying to do, but we didn't. I certainly tried. I couldn't make it, so I sort of gave up. I think there's hope in the regulations with the number of premises. As well, if it's a menu item that is not regularly on the menu, it's not captured by the bill. So I'm hoping that the grocery stores will be able to do it.

On the flip side of it, a lot of grocery stores that have—I forget what they're called, but it's food ready to eat. If you ask them, they already have the nutritional content of their food. It's just that it's not displayed. You have to ask them and then they look under the counter, they pull out this little brochure and it tells you exactly. So they have this information. They have sort of standard recipes, plus or minus.

I know what you're trying to do for the smaller ones. I'm hoping it's going to be respected, the spirit of what we're trying to do, but the way you have it now—that all you have to do is be located within a grocery store to be excluded—I could not support that.

The Chair (Mr. Grant Crack): Thank you very much. Mr. Walker.

Mr. Bill Walker: I certainly thank my colleague for that. The spirit here is really the word “identical.” Again, there could be some challenge to the supply chain and they send a different blueberry muffin; they’re not going to be identical. Inadvertently, that franchisee is going to be in non-compliance. That’s the concern we have. By whitewashing with the word “identical,” it has to be identical. It can’t be slightly different, because now they’re in non-compliance.

All we’re saying is, it could be one of those unintended consequences. I certainly hope that the spirit of the regulation will be maintained when they do that, but we’ve had other examples cited that when the regulation comes in, it doesn’t take into provision those types of concerns.

I agree with you: Had we had more time to consult with our stakeholders—not changing the rules, but allowing, actually, the democratic process to fully unfold and engage—we might have been able to come with wording that could appease all users and, at the end of the day, have legislation that’s going to be precise and not inadvertently penalize those for something out of their control.

The Chair (Mr. Grant Crack): Thank you very much. Mr. Hillier.

Mr. Randy Hillier: I think the member from the NDP’s comment was very telling, and also something that we should take to heart if we’re hoping that the law will be done well. That’s a powerful statement. Here we are crafting up the law—and I do agree: if there had been more time afforded for thoughtful deliberations and evaluation. We had many people who wanted to make presentations to this committee on this bill who weren’t afforded time to do so. We’re rushing the law. We’re rushing public policy. If there is anything that we never want to rush, it’s developing public policy and the law. These things actually impact people with the full authority of the state. Really, just think of it: We’re going to hope that the law is done well?

One of my colleagues said that hopefully the spirit of the regulations will be involved with the application of the law. I’m going to tell you, when the law is prescribed, inspectors must enforce it. That’s their job: They must enforce. We can’t ask our members of the public service to enforce some laws but don’t enforce all of the laws, or “Enforce that law fully, but turn your back to those ones.” That’s not the way the rule of law works. The rule of law is applicable to everyone in an equitable fashion, not different for different people.

I would just again raise caution to the members on the opposite side. This bill is being put forth too fast, in my humble opinion, we’re leaving too many unknowns on the table, and we’re relying on hope too much in the regulations.

I’ll just put this comment out and I would ask the Liberal members of this committee: If you ever take a look on Google one time about South Central LA and

fast foods, there’s a wonderful story there about how they hoped they law would deal with things. About 10 years ago in South Central LA, they banned all new fast-food restaurants because of the obesity problem there. The studies that have been done now, 10 years later, have found that the obesity levels in South Central LA are far greater than they are in any other part of LA. The intention was noble: They wanted to reduce obesity. But how they crafted the law ended up directly opposing their intention. Now the obesity rates in South Central LA are of an even greater magnitude higher than the rest of LA.

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So let’s be thoughtful. Let’s not rush things. Let’s make sure that the law is precise and that we’re not just going to hope that some inspector will apply the law the way that Mr. Walker thinks it should be applied or the way that Ms. Vernile would like to have it applied, but applied the way the law says, and that it is precise and equitable for everyone.

The Chair (Mr. Grant Crack): Thank you, Mr. Hillier. Any further discussion? There being none, I shall call the question on PC motion number 5.

Ayes

McDonell, Walker.

Nays

Colle, Dickson, Gélinas, Kiwala, McMahon, Vernile.

The Chair (Mr. Grant Crack): The motion is defeated.

I shall move to the actual schedule and section of the bill. There is one amendment to it so I shall call the vote. Shall schedule 1, section 1, as amended, carry?

Mr. Bill Walker: Chair, can I ask for a point of clarification?

The Chair (Mr. Grant Crack): A point of clarification, Mr. Walker.

Mr. Bill Walker: Don’t I have number 6 that is still within schedule 1?

The Chair (Mr. Grant Crack): That’s on section 2.

Mr. Bill Walker: Oh, sorry. My apologies, Chair. Thank you.

The Chair (Mr. Grant Crack): You’re quite welcome.

Those in favour of an amended schedule 1, section 1? Shall it carry?

Ayes

Colle, Dickson, Gélinas, Kiwala, McMahon, Vernile.

The Chair (Mr. Grant Crack): None opposed. Schedule 1, section 1, as amended, is carried.

We shall move to schedule 1, section 2, at this point. We have a PC motion for schedule 1, subsection 2(1). Mr. Walker.

Mr. Bill Walker: I move that subsection 2(1) of schedule 1 to the bill be amended by striking out “who owns or operates” and substituting “who operates” in the portion before paragraph 1.

The Chair (Mr. Grant Crack): Thank you. Any further discussion? Mr. Walker.

Mr. Bill Walker: The amendment replaces this, Mr. Chair, and again, it's back to when the Canadian Franchise Association was in. What they tried to stress to us, I believe, as a committee, was that they, as franchisors, should not be held liable for the day-to-day operations and compliance of franchisees. I think the distinction was that as a franchisee, you are licensed to have and utilize all of the wherewithal of that corporation, but they do not actually own it. If I use an example, I believe in many cases a Tim Hortons, the actual store and the grounds are actually owned by the corporation, but the franchisee owns the ability to operate the business within that franchise.

So I think the overarching concern here again is: Who really, at the end of day, is going to be in non-compliance? Who has the ability to be in compliance? It really lies with the franchisee and not the franchisor.

The Chair (Mr. Grant Crack): Thank you very much. Ms. Gélinas?

M^{me} France Gélinas: There are some examples where it would apply, but to take Tim Hortons is a very bad one, because at Tim Hortons the food comes, the doughnuts are already cut to size, and how long to put them in the oven or in the deep fryer is set. Tim Hortons actually has the nutritional information of all of their food items identical for all of their franchisors and owners, because they set the recipes, the food, the cooking instructions etc. It is set.

Other franchises give the owner and operator more flexibility into how they do their food. But given that it varies, to me the bill is written in a way that the responsibility will lay with the person who has the authority. If you are the one who decides on the recipes and the portion size and you don't follow the law, then you will be the one that the law will go after. I find with the amendment that we've made, it will capture this already.

The Chair (Mr. Grant Crack): Thank you very much. Mr. Walker.

Mr. Bill Walker: Just to the last part of what Ms. Gélinas said, I think it actually reinforces what I'm trying to say. If someone chooses not to do that, they are the operator. They're the person that, at the end of the day, before they hand it across the counter, should be held responsible. Not head office, who might have said, “You need to share this. You need to serve this to your customer.” They have made a choice. So why are they going to be penalized inadvertently for someone who they have no control over?

There are lots of franchisees and franchises, I believe, that operate in this way. They give some level of magnitude to the actual individual operator, who again is not necessarily the owner. They're licensed to utilize the wherewithal of that corporation, but they have some latitude.

That was their big concern. They were really saying to us, “We're going to be held liable even though we had nothing to do with it. We couldn't prevent it; we couldn't permit it.” At the end of the day, that's why I think some of these things are too ambiguous right now, and there's going to be a lot of inadvertent application and a lot of inadvertent negative impact to people like the franchisors. It's going to become less favourable to be able to do some of these franchises, because who really is liable here?

The Chair (Mr. Grant Crack): Thank you. Any further discussion? Mr. Hillier.

Mr. Randy Hillier: Part of the presentation from the Canadian Franchise Association, who spoke directly to this—I'm going to, again, see if we can take away the Tim Hortons or McDonald's out of our minds and just think of the great multitude of different franchises there are.

One of the things that they mentioned was how this may also impact existing franchise agreements, in that it will be contrary to existing franchise agreements. What I see happening here—how this would play out in practice—is that those franchises that give or permit latitude and flexibility in menu items, that aren't completely regimented from head office, this bill is going to make it an economic necessity that they change those franchise agreements and take away that latitude, because the franchisor will now be responsible for the menu items. They're going to be economically incented to demand complete standardization and consistency of all menu items within their franchise network.

I don't think that's what we want to achieve, to take away choices and take away some individual and unique menu items. But that's what, I would suggest, is going to be the consequence. Those franchise agreements will be rewritten, because they'll just have to. Individual franchisees will lose their opportunity to have unique menu items, because the franchisor is going to be responsible if something is not done correctly.

We saw something similar to that with the city of Toronto's experiment with food carts a little while ago, where the city of Toronto was going to make it that so many food carts had to have Mexican food and so many had to have hot dogs and so many—and they tried that for a couple of years, this very centralized and bureaucratic approach to the street vendors of food. Of course, at the end of the day, they threw up their hands and said that it was all for naught and it didn't work and let the marketplace work.

I see that that will be a certainty, that unique menu items and unique ways of doing things within a franchise umbrella will be taken away and everybody will have to have a Big Mac wherever you go. There will be no Harvey's burgers where you get to choose how many tomatoes you want on it or how many pickles you want on it because the franchisor is going to be held responsible. I hope that isn't the case, but reading the way the legislation is and talking with the CFA and others and just seeing how the law will be applied, I don't think

there's any doubt in my mind that consistency and standardization will be the only thing on the menu in Ontario after Bill 45.

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The Chair (Mr. Grant Crack): Thank you, Mr. Hillier. Any further discussion? There being none, I shall call the question. Mr. Walker has moved PC motion number 6.

Ayes

McDonell, Walker.

Nays

Colle, Dickson, Gélinas, Kiwala, McMahon, Vernile.

The Chair (Mr. Grant Crack): The motion is defeated.

We shall move to NDP motion number 7. Madame Gélinas, would you prefer 7.1 or 7?

M^{me} France Gélinas: I wish to withdraw number 7.

The Chair (Mr. Grant Crack): Okay.

M^{me} France Gélinas: Remember I told you I had a really tough time meeting the deadline for the amendments—

The Chair (Mr. Grant Crack): Yes. Okay.

M^{me} France Gélinas: —and move on to 7.1.

The Chair (Mr. Grant Crack): Okay. So this is an amendment to schedule 1, subsection 2(1). Ms. Gélinas.

M^{me} France Gélinas: I move that subsection 2(1) of schedule 1 to the bill be amended by adding the following paragraph:

“1.1 The amount of sodium in every standard food item that is sold or offered for sale at the regulated food premise.”

So what the bill has—

The Chair (Mr. Grant Crack): Sorry. At the “regulated food service premise”?

M^{me} France Gélinas: Premise.

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? Ms. Gélinas.

M^{me} France Gélinas: I'll learn to read pretty soon.

The spirit of the law is really to give people more information when they make their food purchases by giving them the number of calories—long overdue and it will be a step in the right direction.

A bill is not an incremental type of process. You do it and then you put it aside for the next 20 years. Now is the time to put in sodium. We have heard deputations come forward to show the difference it would make, that people want this information. In some polling, people want the sodium information even more than they want the calorie information, although both of them polled really, really high; 80%, 85% and 90% of us want to know this when we eat out.

Now is the time to do this. We all know that sodium has a direct impact on a number of serious chronic diseases and we have an opportunity to do this. As all of

the people involved—the restaurant premises involved will have to change their menus and their menu boards to accommodate the new information. Let them go through this process once by adding calories and sodium at the same time.

The Chair (Mr. Grant Crack): Thank you very much. Any further discussion? Ms. Vernile.

Ms. Daiene Vernile: Just a quick comment, and that is to say that the recommendations that were handed to us from the province's expert Healthy Kids Panel said that having too much information and too many regulations at this time—this information on a menu might be counter-productive. But I would agree with you that knowing the sodium content in food is valued and I don't doubt in the future that we will address that.

The Chair (Mr. Grant Crack): Thank you. Mr. Walker.

Mr. Bill Walker: Thank you very much, Mr. Chair. A couple of points: One again is very similar and consistent with the last couple that I've raised. The franchisee association and the Retail Council of Canada have both spoken to concerns about those and who's really responsible and liable at the end of the day. Is it the franchisee or the franchisor? I think that was one that, had we had more time, had we had more ability—I certainly found it compelling, in some of the deputations, in giving us information on the sodium, that there was merit in it. I think the challenge becomes logistical and the inadvertent consequences that may happen if we don't do this in a thorough manner and make sure we're understanding exactly what we're doing.

The amendment makes some sense, but at the end of the day, I'm not certain even there, when you talk about how much and how different diets—how big people are, the metabolisms, those types of things. So generally, and still in the spirit of labelling, I think there's good movement there. I think we're generally supportive, but in this case, I think we needed more time to ensure that it would be there and do it so that it's beneficial to the people as opposed to just a stat on a piece of paper.

The Chair (Mr. Grant Crack): Thank you, Mr. Walker. Any further discussion? There being none, Madame Gélinas has moved NDP motion 7.1.

Ayes

Gélinas.

Nays

Colle, Dickson, Kiwala, McDonell, McMahon, Vernile, Walker.

The Chair (Mr. Grant Crack): The motion is defeated.

We shall move to NDP motion number 8, which is an amendment to schedule 1, section 2. It's a new subsection: (1.1). Madame Gélinas.

M^{me} France G  linas: I move that section 2 of schedule 1 of the bill be amended by adding the following subsection—again, it has to do with sodium:

“(1.1) On and after January 1, 2017, every person who owns or operates a regulated food service premise shall ensure that information about the amount of sodium contained in every standard food item sold or offered for sale at the regulated food service premise is displayed in accordance with the requirements” in “this section.”

The Chair (Mr. Grant Crack): “Of this section.”

M^{me} France G  linas: Of this section.

The Chair (Mr. Grant Crack): Thank you very much. Any further discussion? Madame G  linas.

M^{me} France G  linas: Basically, very similar to what I tried to do in the last amendment that was defeated, but this one gives it a longer window—a two-year window—to get the job done. If we put it in the bill that you have to look at it within the next two years, the chances of it happening increase.

The Chair (Mr. Grant Crack): Thank you very much. Any further discussion? There being none, I shall call the question.

Ayes

G  linas.

Nays

Colle, Dickson, Kiwala, McMahon, Vernile.

The Chair (Mr. Grant Crack): The motion is defeated.

Next on the agenda we have NDP motion number 9, which I shall determine is out of order because it—sorry. Madame G  linas, read it into the record, please.

M^{me} France G  linas: I was going to withdraw.

The Chair (Mr. Grant Crack): Thank you very much. So number 9 is withdrawn.

We shall move to PC motion number 10. Mr. Walker.

Mr. Bill Walker: I move that section 2 of schedule 1 to the bill be amended by adding the following subsection:

“Exception

“(2.1) Despite subsection (2), if a standard food item that is a drink is put on display at the regulated food service premise, the information required to be displayed for the purposes of subsection (1) need only be displayed on a label or tag identifying the standard food item.”

The Chair (Mr. Grant Crack): Thank you very much. Any further discussion? Mr. Walker.

Mr. Bill Walker: This would exempt beverages on display with calorie information on the front label from also posting calorie information on the display. Beverage companies already displaying the calorie information achieve the intention of the bill; additional displays would be redundant and burdensome and would add, again, more costs.

I think what we’re asking for is flexibility. If it’s displayed, if it’s there and people can understand—again, the spirit, I believe, of this whole portion of the bill is to allow people to understand and make healthier choices, but you don’t need it here in big flashing letters and also on every single individual item. It’s very costly. If it changes, you’ve got to change all that labelling as opposed to just a menu board that the public has access to and can see.

So I think this would make, certainly, a valid positive amendment to this bill. It would still honour the intent, that people are informed, but it wouldn’t put extra and undue burden, regulation and duplication on the actual individual company.

The Chair (Mr. Grant Crack): Thank you very much. Any further discussion? There being none, I shall call the—Mr. Hillier?

Mr. Randy Hillier: You have to be a little bit more thoughtful there. Look around.

The Chair (Mr. Grant Crack): I’m acknowledging Mr. Hillier.

Mr. Randy Hillier: I find the amendment is a reasonable amendment. If a product is already identified and labelled, and they are—if somebody wants to pick up a bottle of Coke, it’s on the bottle of Coke, how many calories are in it, and now we’re going to suggest that they also must have, under this bill, calorie displays beside the bottle of Coke? I don’t know about anybody else on this committee, but I can’t imagine that having any effect whatsoever.

Whether it’s a bottle of Fresca or a bottle of Coke or what have you—or a carton of milk. When I go buy a carton of milk downstairs at lunch, am I going to be dissuaded from my carton of milk or change my drinking preferences because there is a sign up there that also has the same information that is already on the carton of milk?

1520

I think the law needs to be reasonable in its application. Making things redundant and adding further cost without further benefit is pointless. I don’t know why the government would want to be adding cost where there is no benefit in return—adding cost to consumers, adding cost to businesses, with no benefit in return to anyone. I really would be interested to hear why. The member in the last clause said that there can be a situation where there’s too much information—that too much information is harmful when speaking about sodium. But apparently, we cannot have too much of the same information when it comes to beverages.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Hillier. Madame G  linas?

M^{me} France G  linas: I would be more willing to accept this amendment if you could convince my husband to carry his reading glasses. Given that he never carries his reading glasses—and that with some of the labelling on the drinking container, he needs his reading glasses to be able to read it—then it’s better to leave it in the bill, because in the bill it talks about the size of the

font, it has to be the same font as the price etc. So, therefore, even my husband will be able to see how many calories there are in a bottle of whatever that has the number of calories in font that is 0.09. So I'll be voting against this.

The Chair (Mr. Grant Crack): Thank you very much. Madame Vernile?

Ms. Daiene Vernile: Merci, Monsieur Chair. The point of this is intended toward restaurants where—and there's one I like in Kitchener where they do this—if you want a soda drink, they hand you a glass and then you go over to the fountain machine and there are all these tabs, and you press and you get your pop. That's where we need to post. However, in terms of individual labelling, if you're in a restaurant where they hand you a can or a bottled drink, my understanding is that Bill 45—you'll be exempt; we're already doing that. But all of this can be addressed with regulations.

The Chair (Mr. Grant Crack): Thank you very much. Mr. Walker?

Mr. Bill Walker: Just a point of clarification to your comment that it's addressed to restaurants: There's a lot of other people who are going to be impacted by this. What we're trying to protect is to just make sure that some of those—we're thinking of this group, but what about the unintended consequences for many other groups that might be impacted by this? I think that's what my colleague MPP Hillier was saying before, that we have to look at all users, all people that are going to be impacted by this legislation. That's what we're trying to ensure that we're doing, before we get there and then have to back the bus up and make a whole bunch of changes, which are, again, a duplication, redundant and an extra cost to the consumer and to the operator.

The Chair (Mr. Grant Crack): Mr. Hillier?

Mr. Randy Hillier: I think you just made our argument for us. What this amendment says: If the product already has a label attached on it, then there's no requirement to put a further label. You're suggesting what it's intended for is in a restaurant or one of those places where you have a self-serve cup or where it is not labelled. So we're in full agreement there. If there isn't a label, then you have a label; but if it's already labelled, why have another label?

Ms. Daiene Vernile: No, there won't. There won't.

Mr. Randy Hillier: Well, this amendment would ensure that the regulation meets your expectation, because the clause—the amendment—says that if the product already has a label on it identifying the calories, then it gives you an exemption for further. Without this amendment, we're going to hope that the regulators get it right, we're going to hope. I don't know, after being in the petitions committee last week, when we had a Liberal member from Scarborough say that the worst thing a government can do is give people hope—I don't want to leave things up to hope.

That is our job as lawmakers, to make sure that we get it right. If you're in agreement with this, then let's agree to it. If you think that there's value in double labelling things, then vote against it.

Ms. Daiene Vernile: There's no double labelling—

Mr. Randy Hillier: Well, this clears it up: If it's on display at a regulated food service premise, the information required to be displayed for the purposes of subsection (1) need only be displayed on the label or tag identifying the standard food item. So you don't need to put it up again.

I think that's a reasonable regulation. From the sounds of it, it's what you're looking for this bill to achieve. We're just putting it in law, and not just hoping that the regulators or the administrators who are developing the regulations will capture what you are suggesting you want this bill to achieve.

The Chair (Mr. Grant Crack): Thank you, Mr. Hillier. Any further discussion? There being none, I shall call the question.

Ayes

McDonnell, Walker.

Nays

Colle, Dickson, Gélinas, Kiwala, McMahon, Vernile.

The Chair (Mr. Grant Crack): PC motion number 10 is defeated.

We shall move to NDP motion 11 or 11.1. Madame Gélinas.

M^{me} France Gélinas: NDP motion number 11, I wish to withdraw. I've had some legislative counsel issues due to tight scheduling. You may have noticed by now. Can I move 11.1?

The Chair (Mr. Grant Crack): Yes, please.

M^{me} France Gélinas: I move that subsection 2—

Mr. Mike Colle: So, wait a minute now, 11 is withdrawn?

The Chair (Mr. Grant Crack): Eleven is withdrawn. Excuse me, Madame Gélinas. Just for clarification, 11 is withdrawn. She's dealing with NDP motion number 11.1. Go ahead, Ms. Gélinas. Sorry.

M^{me} France Gélinas: I move that subsection 2(4) of schedule 1 to the bill be amended by striking out "The requirement under subsection (1) applies" at the beginning and substituting "The requirements under subsections (1) and (1.1) apply".

The Chair (Mr. Grant Crack): Now, Madame Gélinas—

M^{me} France Gélinas: I'm out of order?

The Chair (Mr. Grant Crack): I'm going to rule that that particular motion is out of order as a result of it being dependent on your motion number 8 passing, which was defeated. So this motion is out of order.

We shall move to NDP motion number 12, which is an amendment to schedule 1, section 2. It's a new subsection, 2(4.1)

M^{me} France Gélinas: I move that section 2 of schedule 1 to the bill be amended by adding the following subsection:

"Averaging number of calories

"(4.1) Despite subsection (4), if the number of calories in two or more varieties, flavours or sizes of a standard food item sold or offered for sale at a regulated food service premise differs by 10 per cent or less, the person who owns or operates the premise may display the average number of calories for all of the varieties, flavours or sizes of the standard food item in one place on the menu."

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? Madame Gélinas.

M^{me} France Gélinas: That was presented by a number of people in the restaurant business who basically say that on some of their menus, they group, say, a number of zero-calorie pop. They put them all on the same line. They're all the same size, they all cost the same, and they will all contain the same amount of calories. We're putting it in the bill that, if the calories stay within 10% of one another, they can certainly regroup and post the calories only once. It will make it clearer on the menu. This is the way that it has been implemented in most of the big fast-food chains in the States. Most of those fast-food chains also operate in Canada, so it would basically take the new menu boards that they have developed in the States and bring them here, where they're allowed to regroup food items that are within 10% of one another in calories.

1530

The Chair (Mr. Grant Crack): Thank you very much. Mr. Walker.

Mr. Bill Walker: It seems pretty reasonable. Again, it reduces the administrative burden and the extra costs. There's less confusion, to be absolutely honest, at the end of the day. So I will be supporting this; I think it's very reasonable. I hope the government will agree.

The Chair (Mr. Grant Crack): Thank you very much. Mr. McDonell.

Mr. Jim McDonell: I can't help but think, when I go into the local Dairy Queen store and they have an ice cream or a sundae and there are 25 different flavours, how complicated the menu system would have to be. And then you get down to the next one, which would be a Blizzard, and it has another 25 flavours. It seems only reasonable, if you want people to actually be able to read these things, that you make it simple enough.

I would question whether even 10% is enough, because you're looking at varying parts of it, which may vary significantly in calories. But the amount that's in them, overall, is not that great, whether it be blueberry or strawberry or raspberry. It just makes it very difficult. It probably will just busy people out.

The Chair (Mr. Grant Crack): Thank you. Further discussion? There being none, I shall call for the vote. Madame Gélinas has moved NDP motion number 12.

Ayes

Gélinas, McDonell, Walker.

Nays

Colle, Dickson, Kiwala, McMahon, Vernile.

The Chair (Mr. Grant Crack): The motion is defeated.

We have NDP motion number 13. Madame Gélinas.

M^{me} France Gélinas: I think that there are some mistakes in it. I think that this was to group together the averaging with the amount of sodium. Given that all of the amounts of sodium were—I will withdraw.

The Chair (Mr. Grant Crack): Thank you very much. Withdrawn.

Mr. Mike Colle: So 13 is withdrawn? Is it 13?

The Chair (Mr. Grant Crack): Yes, NDP motion 13 is withdrawn.

We shall move to PC motion number 14, which is an amendment to schedule 1, subsection 2(6). Mr. Walker.

Mr. Bill Walker: I move that subsection 2(6) of schedule 1 to the bill be amended by striking out "who owns or operates" and substituting "who operates". Again—

The Chair (Mr. Grant Crack): Thank you very much. Further discussion?

Mr. Bill Walker: Thank you very much, Chair. My apologies for jumping in; I'm just a keener to get going.

The Chair (Mr. Grant Crack): Yes, you are.

Mr. Bill Walker: I always want to roll.

The Chair (Mr. Grant Crack): It's good to see.

Mr. Bill Walker: Again, it's very consistent with what we've said before, certainly on behalf of the Canadian Franchise Association. This is the discrepancy between who the owner actually is, who's responsible and who operates. At the end of the day, we believe it should lie with the person who is actually closest to handing the product or service over the counter to the actual consumer, to the citizens. We believe that this can and, in fact, will help the bill and the clarity and not getting into this battle behind the scenes of who is at stake. Really, the intent here is to make sure that the consumer knows, and we want to do whatever we can with the legislation to make that as simple and precise as possible.

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? There being none, I shall call the vote on PC motion number 14.

Ayes

McDonell, Walker.

Nays

Colle, Dickson, Gélinas, Kiwala, McMahon, Vernile.

The Chair (Mr. Grant Crack): The motion is lost. I caution all members to ensure that they don't scratch their head when there's a vote going on. Thank you very much.

We have schedule 1, section 2, completed as far as amendments go. I don't believe there were any that were passed. So shall schedule 1, section 2, carry?

Mr. Jim McDonell: I just have a question.

The Chair (Mr. Grant Crack): A clarification question: Mr. McDonell.

Mr. Jim McDonell: I know we're voting on this whole section, but I just can't help—has anybody put any thought into how some of this is practical? I'm just thinking of the example of Dairy Queen, again, but there are many like that. How can this even work—

Mr. Mike Colle: It's out of order.

The Chair (Mr. Grant Crack): Thank you very much, Mr. McDonell. That's all been discussed, Mr. McDonell, throughout the discussions. I have called for the vote—

Ms. Daiene Vernile: Point of order, Mr. Chair.

The Chair (Mr. Grant Crack): I've called for the vote, so we've done that.

Ms. Daiene Vernile: We don't understand if it's with amendments or without amendments.

The Chair (Mr. Grant Crack): There were no amendments that passed, as I explained previously. So shall schedule 1, section 2, carry?

Ayes

Colle, Dickson, Gélinas, Kiwala, McMahon, Vernile.

Nays

McDonell, Walker.

The Chair (Mr. Grant Crack): Schedule 1, section 2, is carried.

We shall move to schedule 1, section 3. How is everybody doing? Everybody is doing fine, yes? Okay, good. Schedule 1, section 3: We have PC motion number 15. Mr. Walker?

Mr. Bill Walker: I move that clause 3(2)(b) of schedule 1 to the bill be amended by striking out "that owns, operates, franchises or licenses" and substituting "that operates or licenses".

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? Mr. Walker.

Mr. Bill Walker: Thank you very much Mr. Chair. So, again, very consistent with what I've been saying all the way through here, there are concerns in regard to the franchisor versus the franchisee and who is most responsible at the end of the day for the day-to-day operations and thus the compliance with this regulation and legislation.

We are trying to make the case that at the end of the day, it isn't necessarily the franchisor; it's actually the franchisee who has a licensed ability to provide that service or good, not necessarily the ownership of that. That's the point of clarification I've been trying to make all day. I'm hopeful that at one of these, the government will understand that I'm trying to work with them. I'm

trying to co-operate. We're trying to ensure that there are no inadvertent negative consequences and that they will see their way forward to distinguish and differentiate between a franchisor and a franchisee, and that the reality of who really is in non-compliance is the operator.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Walker. Mr. McDonell?

Mr. Jim McDonell: I'm just kind of wondering how you intend to enforce some of these. Everybody thinks of the big franchises, McDonald's and Tim Hortons, where their whole brand is based on exactly what's sold. But a lot of these franchisees are part of a smaller chain. Really, it's more of a—they do it more for ordering equipment, ordering supplies and making sure that the franchisor is responsible for everything that happens.

Legally, have they looked at how this happens? It's something similar to what I was talking about before on the labelling. You can make a lot of laws, but do they make sense? There's no question that there's no shortage of people who go out and enforce something and it's not to the letter of the law. We see that every day. It doesn't always make sense. Sometimes it makes people do crazy things. I don't think that's the point of it. The idea is to get things so they're reasonable and they make sense.

I have to agree with Mr. Walker here, who talks about how you have an owner of the franchise. He's there; he operates it; he has to be responsible. Making somebody that may be in a different country—I just don't know what you can do about that.

The Chair (Mr. Grant Crack): Thank you very much. Any further discussion? I shall call the vote on PC motion number 15.

Ayes

McDonell, Walker.

Nays

Colle, Dickson, Gélinas, Kiwala, McMahon, Vernile.

The Chair (Mr. Grant Crack): PC motion number 15 is defeated.

We shall move to schedule 1, section 3, in its entirety. Before I call for the vote, is there further discussion on schedule 1, section 3? There being none, shall schedule 1, section 3, carry?

Ayes

Colle, Dickson, Gélinas, Kiwala, McMahon, Vernile.

Nays

McDonell, Walker.

The Chair (Mr. Grant Crack): Schedule 1, section 3, is carried.

We shall move to schedule 1, section 4. We have PC motion number 16. Mr. Walker?

Mr. Bill Walker: I move that subsection 4(2) of schedule 1 to the bill be amended by striking out “that owns or operates” and substituting “that operates”.

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? Mr. Walker.

Mr. Bill Walker: Consistent again with my attempt to try to find a way through this, Mr. Chair, so that we can actually put things in place that are going to represent all needs of this legislation and accompanying regulation—once it’s in place, of course, because we’re doing it without seeing the regulation. We just don’t want to inadvertently place a burden on the franchisor, who at the end of the day does not necessarily have the ability to remain in compliance of a franchisee, who only owns the licence to operate that product or service establishment, at the whim of the corporation.

We want to ensure that, at the end of the day, we’re addressing this. We would respectfully ask that the government consider this amendment, one of many, to ensure that there’s differentiation between those two. They are very distinct, and there are very distinct realities of what that will imply at the end of the day. We don’t want to put people in a case of being in non-compliance when they really have no ability to actually impose or provide the ability to be in compliance with that legislation.

1540

The Chair (Mr. Grant Crack): Further discussion? There being none, Mr. Walker has moved PC motion number 16.

Ayes

McDonell, Walker.

Nays

Colle, Dickson, Gélinas, Kiwala, McMahon, Vernile.

The Chair (Mr. Grant Crack): The motion is defeated.

We shall move to the carrying of schedule 1, section 4. Any discussion? Shall schedule 1, section 4, carry?

Ayes

Colle, Dickson, Kiwala, McMahon, Vernile.

Nays

McDonell, Walker.

The Chair (Mr. Grant Crack): Schedule 1, section 4, is carried.

We shall move to schedule 1, section 5. We have NDP motion number 17. Madame Gélinas?

M^{me} France Gélinas: I move that section 5 of schedule 1 to the bill be amended by adding “under this act” at the end.

The Chair (Mr. Grant Crack): Further discussion? Madame Gélinas.

M^{me} France Gélinas: Basically, when the Chief Medical Officer of Health for Toronto Public Health came, he made it clear that a lot of health promotion initiatives were started at the public health levels, were started at the community levels, were started at the municipal levels. Then, as one and two and three moved, finally the province came in. They didn’t think it was wise to take away the power of the medical officer of health, the municipality and the communities, to go further than what was in the bill. It could be possible, and to take that away would be a step backward in health promotion, because so many steps that we have made forward in health promotion in this province—especially if you think about tobacco—were made at the community level, before they became province-wide. This is what this amendment is trying to do.

The Chair (Mr. Grant Crack): Any further discussion? There being none, I shall call the vote.

Ayes

Gélinas.

Nays

Colle, Dickson, Kiwala, McMahon, Vernile.

The Chair (Mr. Grant Crack): The motion is defeated.

We shall move to the carrying of schedule 1, section 5. Is there any further discussion on the schedule? There being none, shall schedule 1, section 5, carry?

Ayes

Colle, Dickson, Gélinas, Kiwala, McMahon, Vernile.

The Chair (Mr. Grant Crack): None opposed. Schedule 1, section 5, is carried.

We shall move to schedule 1, section 6. We have PC motion number 18. Mr. Walker?

Mr. Bill Walker: I move that clause 6(c) of schedule 1 to the bill be amended by striking out “who owns or operates” and substituting “who operates”.

The Chair (Mr. Grant Crack): Thank you, Mr. Walker. Further discussion?

Mr. Bill Walker: Consistent yet again, Mr. Chair—at some point, I’m looking for a win here. I’ll wear them down, if nothing else. I know my buddy Joe is just waiting to vote for me over there.

Again, to be consistent, we just want to make sure that the legislation addresses the difference between franchisors, who license the ability to operate a business, and those who are franchisees, who actually are the day-to-

day operators—those people who are at the front line with the citizen, with the consumer, and actually providing the service or product, whatever it may be. At the end of the day, we don't want to inadvertently place a burden on someone who is not in compliance and allowing those who are in non-compliance to not be penalized or suffer the burden of their consequences and their actions.

We want to just make sure—we're trying to amend to ensure that this legislation will actually put the burden of operation on those who truly are the operators, as opposed to just blessing it with the word "owner," without understanding that it truly is a licence to operate as opposed to the owner of the business.

The Chair (Mr. Grant Crack): Thank you, Mr. Walker. Mr. Hillier.

Mr. Randy Hillier: I find it interesting that we're going to delegate authority under this act to the Lieutenant Governor in Council, cabinet, to make regulations specifying or clarifying the meaning of a person who owns.

Somebody who owns is already a legal definition. Ownership is recognized in law. If somebody owns shares, if somebody owns a deed or a title, that is already defined. Ownership is defined in law. Now, under this act, we're going to give cabinet the ability to change who is an owner. I find that astonishing, just absolutely astonishing. How can we put that sort of authority into the hands of cabinet, to define who an owner is? It's done through contract law, it's done through our property registration system, it's done through corporate law. That is an inherent part of the law already, to define who is an owner. I can't believe for the life of me that we would want to give the authority to cabinet to define who an owner is. I think you've gone a little bit too far on this one.

I'm fine with who the operator is. That may not be clearly defined in law, but the ownership is clearly defined, and we can't—if I have a contract, or if I have a deed, or if I have a share or all the shares, for the government then to say I am an owner or I'm not an owner—I think this one hasn't been thought out very clearly by the government, about giving that authority.

"May make regulations ... specifying or clarifying the meaning of 'a person who owns or operates.'" I think this clause—fine. Let's give cabinet that authority to define, by regulation, who is the operator, but not who the owner is. That would be a dangerous, dangerous position and delegation of authority, in my view. I'd like to hear from the Liberal side, how will cabinet define who an owner is?

The Chair (Mr. Grant Crack): Okay. Any further discussion? Mr. Hillier.

Mr. Randy Hillier: I didn't hear any response to my query. Really, is that what the government is intending to do, to be able to decide, through regulation, who is an owner? There are no caveats on here, Chair. There are no qualifications on here. The way the bill is written, they could say that anybody named Randy is the owner of Tim Hortons, or anybody named Mr. Crack is not the

owner. I think we have to be somewhat cautious here that we're not using a 10-tonne high hoe to smack a little calorie somewhere along the line here.

1550

In good conscience, I can't imagine that anybody would want to give that authority to the government, to cabinet to define who is an owner. Again, operation—fine. There could be some grey areas in operations, but not in ownership. Either you own shares, you have a partnership agreement or you have a deed. You've got the whole plethora and the hundreds of years of common law, statute law, contract law and everything that has already defined who an owner is. And now we're going to throw that all away and just say, "Cabinet's going to decide who an owner is"?

I think the Liberal members are maybe hoping for a little too much here. But that is the authority, if this bill gets passed and if this clause remains the way it is. You're saying that cabinet has the authority—the lawful, legal statutory authority—to decide who owners are and who is not. I know everybody on the Liberal side has a lot of confidence in their cabinet, but I think you're going a little bit too far. Cabinets change frequently. You don't know who's going to be in cabinet next month, let alone next year or the next decade from now, but you're going to say that whoever it is, they can define who an owner is. It's scary—scary.

The Chair (Mr. Grant Crack): Thank you very much. Any further discussion? There being none, I shall call the question on PC motion number 18.

Ayes

McDonnell, Walker.

Nays

Colle, Dickson, Gélinas, Kiwala, McMahon, Vernile.

The Chair (Mr. Grant Crack): PC motion 18 is defeated.

We shall conclude with schedule 1, section 6. Any further discussion? There being none, shall schedule 1, section 6, carry?

Ayes

Colle, Dickson, Gélinas, Kiwala, McMahon, Vernile.

The Chair (Mr. Grant Crack): None opposed. Schedule 1, section 6, is carried.

We have a new section proposed by the third party, the NDP. Motion number 19: Madame Gélinas.

M^{me} France Gélinas: I move that schedule 1 to the bill be amended by adding the following section:

"Review re: sodium content of foods

"6.1(1) The minister shall establish a committee to review whether information relating to the amount of sodium contained in standard food items sold or offered

for sale at regulated food service premises should be required to be displayed at the premises in accordance with section 2.

“Recommendations

(2) The committee shall complete its review and submit its recommendations to the minister on or before January 1, 2017.”

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? Madame Gélinas.

M^{me} France Gélinas: Well, I have tried, very unsuccessfully so far, to make sure that we would include not only calorie labelling but sodium labelling on restaurant menus. Given that this has failed, my backup backup is to make sure that at least we have in the bill a commitment to look at it again before 2017. All that does is mandate the ministry to look at it again, and by a certain date. That certain date is 2017.

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? There being none, I shall call the question.

Ayes

Gélinas.

Nays

Colle, Dickson, Kiwala, McMahon, Vernile.

The Chair (Mr. Grant Crack): NDP motion number 19 is defeated.

Schedule 1, section 7: We have NDP motion number 20. Madame Gélinas.

M^{me} France Gélinas: I move that section 7 of schedule 1 to the bill be struck out and the following substituted:

“Commencement

“7. The act set out in this schedule comes into force on January 1, 2016.”

The Chair (Mr. Grant Crack): Any further discussion? Madame Gélinas.

M^{me} France Gélinas: Thank you. Basically, I have been working on calorie labelling for a very long time—close to seven years. I’m very happy that we’ve had first and second reading and committee hearings and we’re doing clause-by-clause. But I still have this little doubt inside of me that it will never be proclaimed. So rather than leaving it to proclamation at a date that nobody knows, I’m putting a date into the bill so that we know that by January 1, 2016, all the good work that we’ve done so far will have to be enacted, will have to be proclaimed, will become law in Ontario.

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? Mr. Hillier.

Mr. Randy Hillier: Thank you, Chair. I’ll be voting against this, and for this particular reason: As we’ve been going through clause-by-clause, and as we listened to the many, many presenters to this committee, it’s clear that there is going to be a substantial amount of work that is

going to be left to ministry administrators and the bureaucracy to actually put good language into this law so that we’ll know who the owner is, for example.

As the member for Nickel Belt said in a number of her amendments, had she had more time, she would have had some different amendments put forward. The last thing we want to do when we have broad enabling legislation such as this that has a lot of unknowns, a lot of doubts, a lot of uncertainties about actually how it’s going to be developed—the last thing we want to do is put a time frame to it, which may end up getting things wrong.

I’m in favour that this act doesn’t get proclaimed into law until hopefully we’ve got the regulations right and that more time is afforded to those ministry officials to develop the regulations than the time that we’ve been afforded in creating the authorities under this act. Clearly we’ve not given ourselves enough time to properly scrutinize all the details of this legislation. We don’t want to compound that problem by not giving the bureaucracy enough time to consult with people and to get the regulations right.

I know we all like to have certainty and we all like to know when things are going to be done, but there are too many unknowns in this piece of legislation as it is that, in my opinion, we don’t want to put a date just for the sake of a date and maybe rush things and miss things in the development of the regulations.

The Chair (Mr. Grant Crack): Thank you, Mr. Hillier. Ms. Vernile.

Ms. Daïene Vernile: We have heard from industry stakeholders. They have reached out to us, and their communication is that they require more time in order to be prepared for this when it happens. If you look at the next motion, you’ll see that there is a date for January 1, 2017, to bring it into full force.

The Chair (Mr. Grant Crack): Any further discussion? There being none, I shall call the question on NDP motion number 20.

Ayes

Gélinas.

Nays

Colle, Dickson, Kiwala, McDonell, McMahon, Vernile, Walker.

The Chair (Mr. Grant Crack): NDP motion number 20 is defeated.

We shall move to NDP motion number 21. Madame Gélinas.

M^{me} France Gélinas: Motion 21 is very similar to 20. It reads as follow:

“Commencement

“7. The act set out in this schedule comes into force on January 1, 2017.”

1600

The Chair (Mr. Grant Crack): Did you read “I move”?

M^{me} France Gélinas: No. I move that section 7 of schedule 1 to the bill be struck out and the following substituted:

“Commencement

“7. The act set out in this schedule comes into force on January 1, 2017.”

The Chair (Mr. Grant Crack): Thank you very much, Madame Gélinas. Continue.

M^{me} France Gélinas: Basically I’m not giving up easily without a fight. I have been defeated so far. But 2016 is too soon. How is 2017?

The Chair (Mr. Grant Crack): Further discussion? Ms. Kiwala.

Ms. Sophie Kiwala: I’m very pleased to say that this amendment fits into the government’s intentions for the implementation of this particular schedule of the bill. It does give us sufficient time to consult with industry on the regulation and for industry to prepare for the coming-into-force date.

We are in agreement with our colleague from the third party on this amendment. We know that the member from Nickel Belt feels strongly—we’ve heard it mentioned a couple of times before—about this aspect of the bill and this proposed legislation, and we’re pleased to be able to work together to strengthen this legislation.

The Chair (Mr. Grant Crack): Any further discussion? There being none, we shall call the question. Shall NDP motion number 21 carry?

Ayes

Colle, Dickson, Gélinas, Kiwala, McMahon, Vernile.

The Chair (Mr. Grant Crack): None opposed. NDP motion number 21 is carried.

We have schedule 1, section 7. We have just passed one amendment. Any further discussion on the section itself? I shall call the question. Shall schedule 1, section 7, as amended, carry?

Ayes

Colle, Dickson, Gélinas, Kiwala, McMahon, Vernile.

The Chair (Mr. Grant Crack): None opposed. Schedule 1, section 7, as amended, is carried.

We shall move to schedule 1, section 8. There are no amendments. Is there any discussion on schedule 1, section 8? There being none, shall schedule 1, section 8, carry?

Ayes

Colle, Dickson, Gélinas, Kiwala, McDonell, McMahon, Vernile, Walker.

The Chair (Mr. Grant Crack): None opposed. Schedule 1, section 8, is carried.

We shall move to the entire schedule, schedule 1, as amended. Any discussion? Shall schedule 1, as amended, carry?

Ayes

Colle, Dickson, Gélinas, Kiwala, McDonell, McMahon, Vernile, Walker.

The Chair (Mr. Grant Crack): None opposed. Schedule 1, as amended, is carried.

We shall move to schedule 2. There are no amendments in schedule 2, section 1, and/or schedule 2, section 2. Can I join them? Is there any opposition by committee members to join them for one vote? Okay. Any discussion? Shall schedule 2, section 1 and section 2, carry?

Ayes

Colle, Dickson, Gélinas, Kiwala, McDonell, McMahon, Vernile, Walker.

The Chair (Mr. Grant Crack): None opposed. Schedule 2, sections 1 and 2, are carried.

We shall move to schedule 2, section 3. We have NDP amendment number 22 to schedule 2, section 3, subsection 6.1(2) of the Smoke-Free Ontario Act. Madame Gélinas.

M^{me} France Gélinas: I move that subsection 6.1(2) of the Smoke-Free Ontario Act, as set out in section 3 of schedule 2 to the bill, be amended by striking out “a flavoured tobacco product” and substituting “a flavoured tobacco product, including flavoured cigarette papers”.

The Chair (Mr. Grant Crack): Further discussion? Madame Gélinas.

M^{me} France Gélinas: We had a number of deputants come to us to say that the way we had it worded in the bill basically did not take into account that not only is the tobacco flavoured, but the cigarette papers are also flavoured. They came with a big bag full of samples of what those look like.

The bill allows us not only to regulate tobacco, but it also allows us to regulate the packaging of tobacco. If the packaging can be regulated, then part of the cigarette can be regulated as cigarette paper also. So I would strongly urge that if we want to be done with flavour once and for all, never underestimate the creativity of the tobacco industry. We have a chance to do this, to not only ban flavoured tobacco but flavoured tobacco cigarette paper. We should do this now while the bill is open.

The Chair (Mr. Grant Crack): Thank you very much. Any further discussion? Mr. Walker.

Mr. Bill Walker: I just want to restate for the record, as I said many times during the actual deputations, that I would have liked to have seen something in this bill that would have actually made it illegal for youth to purchase or sell cigarettes, including papers. I think this would

have had a lot of extensive weight. I think it would have certainly made those youth think twice before they actually did it. A lot of what we hear in our ridings, and certainly I hear it in my riding, is that that's where a lot of the youth smoking initiative is taking place. They're being able to access particularly contraband cigarettes on school facilities, on their grounds. There's nothing there that really prevents them.

Certainly alcohol—I have two young gentlemen, sons, and alcohol is illegal for them. They think twice about that. In this case, cigarettes, which are at least equal in detrimental health concerns—certainly there's that perspective—I would have liked to have seen that in the legislation. I think it would have been yet another tool and another resource to make our youth think before they do it.

Right now, they can buy it pretty cheaply; they can buy bags of 200 cigarettes for around \$8. That makes it pretty much a gateway. If we want to talk gateways—that word came up a lot in this legislation—it would have been something that would have been punitive. It certainly would have made our youth think. I really would have liked to have seen it in the legislation.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Walker. Mr. McDonell.

Mr. Jim McDonell: Thank you. I'd like to go on record, too. I've spoken throughout this bill about the fact that we gather our youth together in one spot to make them a target for people who are selling, certainly, contraband. In my riding, which is right along the border with New York state, we're looking at somewhere over 70% of the cigarettes smoked in these areas are actually contraband.

In talking to a former high school principal, he talked about when he was out there, knowing past students who have gone by and knowing who's in the school, he would often see somebody out there selling products—sometimes it was contraband cigarettes; sometimes it was something much worse—and not having the ability to do anything with the person because they force them out onto public property. If we were to make the consumption illegal, we could get rid of that problem.

We talk about, in this province, how we're seeing levels go up. We've made a group of students collect as kind of the cool gang. We've given them targets so they can buy very cheap cigarettes. You can raise the taxes all you want, but if you can buy something that's about one twentieth of the cost, then the price does not become prohibitive.

When you look at the high percentage, especially in my region, of people who are selling illegal tobacco products that are not regulated—nobody knows exactly what's in some of these—plus the fact that it's creating a group of people who are very susceptible to some of the other drugs that we're trying to keep out of society, it just doesn't make a lot of sense. If you were to make it illegal, the local law enforcement could stop at least the collection place. It would have a lot more results if we're really trying to get this group not to smoke. We do it with

alcohol; we do it with a lot of things. So why do we not go that extra step?

The Chair (Mr. Grant Crack): Thank you very much, Mr. McDonell. Mr. Hillier.

1610

Mr. Randy Hillier: Thank you, Chair. Listen, I don't know a whole lot about flavoured cigarette tobacco papers. In my day, they didn't have them. But what struck me about this was when we were listening to the person with medicinal marijuana on the proposed changes with the vaporizers and not being able to use a vaper for their medicinal marijuana.

I'm just wondering: Are flavoured papers used more in the tobacco part or are they more in the medicinal marijuana part? I don't know for sure. We never had the opportunity to explore that during the presentations. When we heard that fellow speaking about medicinal marijuana use and the unintended consequence of taking away a less harmful way for him to ingest that marijuana by compelling him to burn it and smoke it instead of vaporize it, I'm just wondering: Are flavoured papers used more in the medicinal marijuana field or is it more in tobacco? If anybody has an answer or insight on that, I'd be happy to hear it.

The Chair (Mr. Grant Crack): Further discussion? Madame Gélinas.

M^{me} France Gélinas: I think it's used in both, but the people who smoke marijuana never came forward and requested that the flavoured paper not be banned. They would be just happy to roll on regular paper. They came to see us specifically for vapour, which will come in the next part of this bill.

As far as flavoured paper, nobody has ever spoken against banning flavoured paper.

The Chair (Mr. Grant Crack): Thank you very much. Any further discussion? Ms. McMahon?

Ms. Eleanor McMahon: Thank you, Mr. Chair. This is one of those amendments and issues where there is shrieking agreement that protecting young people from the dangers of tobacco is something I think we're all consumed with, interested in doing, wanting to do. Certainly this legislation, I think, goes a long way in protecting our young people in spades. We don't want them to start smoking in the first place.

However, while there's agreement of the spirit, sometimes the vehicle can be a little problematic. In this case, the Smoke-Free Ontario Act regulates tobacco products, as my colleagues will know. Cigarette papers don't contain tobacco, so they fall outside the rubric or the—

Interjection: Scope?

Ms. Eleanor McMahon: The scope of the legislation; thank you—a senior moment. Perhaps another vehicle is necessary, and another way to accomplish this is perhaps worth looking at. Of course, were we to do that, undertaking a consultation with stakeholders would likely be appropriate. I guess what I'm trying to say, Mr. Chair, is that this is one of those occasions where we all agree with the spirit, but the vehicle is outside the scope. So

we'll be voting against this particular amendment. Thank you.

The Chair (Mr. Grant Crack): Okay, thank you. Further discussion? Ms. Gélinas and then Mr. Hillier.

M^{me} France Gélinas: It is not quite accurate, I don't think, but I'll stick to what I know. The bill allowed tobacco to be packaged in accordance with regulation. We can regulate packaging. This is part of the Smoke-Free Ontario Act. The packaging and the paper parts of the cigarette can be regulated. In the Smoke-Free Ontario Act, we talked about regulations to the filters, to basically how you make cigarettes. It is clear to me that we can regulate the paper to roll the cigarettes. We already regulate the packaging, the—I forget what it's called when you have the filter attached to paper. These are all parts of the Smoke-Free Ontario Act. We already have regulations for that, so there's no reason not to regulate rolling paper.

The Chair (Mr. Grant Crack): Thank you. Mr. Hillier.

Mr. Randy Hillier: I found that argument quite interesting from the Liberals: Because the cigarette paper doesn't have any tobacco in it, we can't regulate it. I know we've got a whole section about vaporizers that don't have any tobacco in them, but we're regulating those. We regulate the warning labels on cigarette packs. The package doesn't have any; it's paper. It's a different type, a different stock of paper than the rolling papers, but it's still just paper. But we regulate the warnings on tobacco packages, so I find that that argument doesn't quite hold a lot of water, that we can only regulate things that actually have tobacco in them. We're also regulating use and a whole bunch of other things. I'm going to remember that comment from the Liberal members about the regulations and that they will only apply to tobacco products and not to those products that aren't tobacco.

I'm just going to put this out there: I don't know how many people are still rolling cigarettes. I can't imagine it being a great deal of people, and I would suggest to the committee members that far and away the greatest majority of people buying rolling papers are doing it for marijuana and not for tobacco products. It's maybe another one of those unintended consequences for the medicinal marijuana people that we'll be exposed to later on down the road with this clause.

The Chair (Mr. Grant Crack): Thank you, Mr. Hillier. Ms. McMahon, I believe—

Ms. Eleanor McMahon: It's okay, Chair. I'll take a pass, thanks.

The Chair (Mr. Grant Crack): Okay. Any further—Madame Gélinas.

M^{me} France Gélinas: I can feel that I'm going to face defeat. I think we're making a mistake here. I think we're leaving a loophole that the tobacco industry will jump on with two feet. By the time we go out and ban flavoured tobacco, watch out; the creativity of the tobacco industry knows no bounds. They now know that in Ontario it is okay to use flavoured paper, and look at what that will bring us: I guarantee that they will use this loophole to

the detriment of all of our kids and to the detriment of all of the young people in Ontario who will start smoking, because today we had an opportunity to ban flavoured rolling paper. That's a loophole that the tobacco industry is looking to. They are listening right now, and they are clapping for you.

The Chair (Mr. Grant Crack): Thank you very much. Mr. McDonell?

Mr. Jim McDonell: I guess I can't help but think that we're doing all this work here to stop our children from smoking when we know it's not working. It's actually increasing. I just don't understand how we're going to have any impact if we don't go out and actually make it illegal for them to smoke, because as far as I know, when it comes to contraband cigarettes, I don't think this law will apply.

More than half of our youth are actually getting hooked on tobacco through contraband, and you're not giving anybody the tools to stop that. You've been unsuccessful at controlling it, and this bill does nothing to control contraband cigarettes. Are we really looking at something that—it adds a lot of flour to the effort, but it's really not doing anything unless you give the ability to our law enforcement to actually enforce the use of tobacco with youth.

You're going after the legal people here. I don't support a lot of what's being done here, but the real impact is likely through the illegal people. Plus, somebody can walk into a store with a fake ID and get a lot of this stuff, and you go after the owner; you don't go after the person who is actually breaking the law. I'm wondering about that.

The Chair (Mr. Grant Crack): Thank you very much. Madame Gélinas.

M^{me} France Gélinas: A last word of caution: All of the flavouring agents that take the harshness out of tobacco will now be applied to the inside of the rolling paper. What made it appealing for kids because it smelled good and didn't taste as harsh will still all be there because we are voting down the regulation of flavoured paper.

The Chair (Mr. Grant Crack): Any further discussion? Mr. Hillier.

Mr. Randy Hillier: I just have to jump in on that one.

The Chair (Mr. Grant Crack): Okay.

Mr. Randy Hillier: Sorry about that. Listen, I take your argument very well, and there's much merit to it, but I would say that when we look at this bill in its entirety, we are saying to smokers that any option to reduce the harm from tobacco smoke—we're not going to allow you to reduce the harm. We're not going to allow you to wean yourself off by using vaporizers or anything else.

1620

I think not so much schedule 2, but schedule 3 of this bill is going to condemn people to smoking for a much longer period of time, and we're going to end up with thousands and thousands of premature deaths due to smoking each and every year because we're severely restricting the options and opportunities for people to kick the tobacco habit.

I take the point with the flavoured papers, but I'll tell you, that's pretty small potatoes compared to actually preventing people from quitting smoking by what's in schedule 3 of this bill. Thanks.

The Chair (Mr. Grant Crack): Thank you very much. Any further discussion?

There being none, Madame Gélinas has moved NDP motion number 22.

Ayes

Gélinas, McDonnell, Walker.

Nays

Colle, Dickson, Kiwala, McMahon, Vernile.

The Chair (Mr. Grant Crack): NDP motion 22 is defeated.

Next in your packages, you'll see we've gone from 22 to 28. I apologize. It's still in the right place, but the numbering is wrong, so I apologize for that. I hope it's not confusing, but it is still the next one after 22. It's where it fits into the schedule.

Mr. Randy Hillier: Twenty—

The Chair (Mr. Grant Crack): Okay. So we went from 22. We're going to go to 28, then to 23, and then after 27, there's going to be no 28. It will go to 29. The one they have that says "28"—

Mr. Randy Hillier: Twenty-eight is next?

The Chair (Mr. Grant Crack): —is the one that goes between 22 and 23. Really, I could change it to 22.5, but it's 28.

Interjections.

M^{me} France Gélinas: I go?

The Chair (Mr. Grant Crack): Is everybody okay? Madame Gélinas.

M^{me} France Gélinas: I move that subsection 6.1(3) of the Smoke-Free Ontario Act, as set out in section 3 of schedule 2 of the bill, be struck out.

Basically, what that does is, there's been lots of discussion about menthol tobacco. There is a section in the bill that allows cabinet to exempt some flavoured tobacco. I have been working on this with a number of people for a long time to ban flavoured tobacco. I had a private member's bill shared with a Liberal MPP—it was Dave Levac at the time—which was successful in passing.

We know that there is support on both sides of the House to ban flavours. Don't open up loopholes. The amount of lobbying that will be done directly and indirectly to get you to exempt menthol will be phenomenal. Basically, it's better not to open up this window at all.

The Chair (Mr. Grant Crack): Thank you very much. Any further discussion? There being none, I shall call the question.

Shall NDP motion number 28 carry?

Ayes

Gélinas.

Nays

Colle, Dickson, Kiwala, McDonnell, McMahon, Vernile, Walker.

The Chair (Mr. Grant Crack): NDP motion 28 is defeated.

We shall move to PC motion number 23. Mr. Walker.

Mr. Bill Walker: Thank you very much, Mr. Chair. I'll shuffle the papers.

I move that section 6.1 of the Smoke-Free Ontario Act, as amended by section 3 of schedule 2 to the bill, be amended by adding the following subsection:

"Exception

"(4) Subsection (2) does not apply with respect to menthol flavoured cigarettes."

The Chair (Mr. Grant Crack): Further discussion? Mr. Walker.

Mr. Bill Walker: A number of points: I think we just need to make sure we put on the record before we do the final here, one of the things that I think was shared with us during the deputations. The Propel study found that only 4% of youths had tried menthol tobacco in the previous 30 days. Certainly, that's conclusive that it absolutely is something that's going to move them, one way or not.

Most youth who use menthol obtain it from social sources. There are almost double the amount of menthol products in the contraband market than there is sold legitimately. A number of deputations, a number of the items that were emailed to us or sent into the committee for discussion and consideration showed that a lot of those people anecdotally—we met with the convenience stores' association, the Korean business association. They did their own surveys, and they asked people coming in to buy—obviously adults—if they would stop smoking menthol, or would they just go and find it in another market? Almost 100% said that they would go to the contraband market.

A lot of my focus here is on, again, we're doing nothing about the contraband. That's a big, big piece of the challenge we're facing with youth, but equally as much with adults. The challenge I have is that this legislation—lots of good merit in it; I support the bulk of the legislation in many regards, but I think they've missed a real opportunity here to truly address—if it's making healthier choices, there was an opportunity there to target that area that we all know—we had deputants in telling us; the reporting in society is telling us. All members of this House know that contraband is an issue. It certainly has a huge impact not only on our taxation realities; it has a huge impact on our health care system. We know many people are going there.

As I've said a number of times both during deputations and today, youth anecdotally—when I've gone out in my riding and spoken with actual young people who are smoking, not one, actually, has mentioned menthol being the supposed "gateway" to them; it has been contraband cigarettes. "I started because a lot of my buddies could get this very freely, very cheaply. They brought a

bag of it. There was a lot of peer pressure. We started,” and that’s where they continued on. They continue on with the contraband because it is so inexpensive compared to purchasing legal cigarettes out there.

At the end of the day, Mr. Speaker—or Mr. Chair, sorry; I’m bumping you up a couple of notches there—it’s concerning here. Again, I want to put in some consideration for those adults who smoke menthol. I’ve said unequivocally, I watched my sister die in a hospital bed as a result of lung cancer from smoking. There’s nothing more horrific that will ever be etched in my mind, I don’t think, than watching that happen. But at the end of the day, they are adults. They’ve made their choices. My fear is, we’re not going to actually stop them from smoking; we’re going to send them to an illegal, illicit market that supports things that are even worse, things like human trafficking, gangs, illegal weapons and drugs. That’s where I would have liked to have seen some meat and some teeth in this legislation to actually tackle that.

The Chair (Mr. Grant Crack): Thank you very much. Any further discussion? Mr. McDonnell.

Mr. Jim McDonnell: Yes, I agree. I think studies show that almost 50% of the adult population that smokes, smokes menthol. This is a flavour that has been available. You see from the stats that the youth side is in the neighbourhood of 4%, so obviously that’s not attracting people to smoke. That’s not what the science shows.

But you’ve taken something that’s legal and been used—I don’t know very many smokers who haven’t tried to stop smoking—and you’re going to take this away from them when really, there’s no reason for it. You’re going to drive another group of people into contraband that’s not doing that today, which is contrary to what this bill is trying to do. And there’s nothing in this bill that actually goes after the contraband. In a lot of ways, you’re going to be encouraging it by making flavours that are not only readily available, but are well-used today, and expecting people to just obey the law and to change when they can go out in most areas—at any high school now, they can go up and buy freely, because we’ve created a marketplace. It’s not intentional, but we don’t seem to have any gumption to change that.

You’re penalizing people who have been playing by the rules—lawful people. This will just be the last straw. I think it’s gone too far.

The Chair (Mr. Grant Crack): Thank you very much. Madame Gélinas.

M^{me} France Gélinas: I have introduced and re-introduced this bill many, many times. I would say that from 2008 till about 2010 or 2011, whenever I introduced the banning of flavoured tobacco, I always exempted menthol. Since then, the body of evidence from research has become more and more robust that we will do more good than harm by making sure that menthol is also banned. So I can’t support a motion like this.

1630

The Chair (Mr. Grant Crack): Thank you very much. Any further discussion? Mr. Walker?

Mr. Bill Walker: Just one last point. I think it’s just on principle that, again, an adult has the ability to make

choices. There’s nothing illegal at this point that I’m understanding, and I certainly to a degree agree with France. There probably is some good and bad, but on principle adults need to have accountability and make choices for themselves. Simply banning it is not going to necessarily make them stop smoking. My fear is, they’re going to go somewhere else and they’re going to continue to actually smoke more, and there’s no benefit to any of us if we go that route.

So I’m weighing it a little bit the opposite way, saying: Is this really something that’s going to be impactful? We’re using a lot of the argument that it’s about youth. I’m not certain that that’s scientific and can actually truly suggest that that’s the indicative case. I just think at the end of the day what we’re trying to say here is, they’re on the market; they’re legal. A number of the amendments that are going to come forward with cigarillos, snuff, a lot of those things—it’s an opportunity for that adult to make a choice, and if they don’t make the choice because we make this illegal, are they going to stop or are they going to go to an illegal market, which, to me, their health is still going to be negatively impacted—maybe worse, because if they can go to that contraband and buy it so cheap, they may actually smoke two, three, 10 times more than what they currently are today and what their normal package is.

If someone’s buying legal menthol cigarettes at \$90 a carton and they have limited income, they’re only going to buy so many cigarettes. If we make this illegal and they somehow get into that contraband market and now they can buy 200 cigarettes for eight bucks, the reality is—I’ve got lots of smokers as friends and lots of smokers in my family, sadly. It’s one after another. If it’s accessible, if they have 50 of them there, they smoke 50 of them. But if they only have three, they only smoke three.

I just think this is—you know, in spirit, I definitely agree, and I understand. I’m just not certain that we’re not going to have inadvertent, negative impacts by doing this.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Walker. I acknowledge Mr. Hillier.

Mr. Randy Hillier: Thank you, Chair. From what I heard in the presentations, overwhelmingly the people who use menthol cigarettes are adults—very limited evidence of youth using menthol cigarettes.

Listen: People who are addicted to nicotine are going to continue to get their nicotine. I don’t see this having much effect on people other than, for those adults who are using menthol cigarettes, they’re going to go elsewhere. From all the evidence that we’ve seen, this is not a flavour that’s targeted or that even appeals to youth, but it does for adults. As my colleague said, I think we’re just going to drive otherwise law-abiding adults but who are unfortunately addicted to nicotine to go into the contraband world to get their nicotine fix, especially after we’ve made it so difficult for them to look at other options, such as vaporizers, afterwards.

I think this is a good amendment to support—not for any other reason than to recognize what we heard, that

this is a flavour that is targeted to adults and one that appeals to a broad section of people who are addicted to nicotine, and do we want to drive them into the contraband market with this bill? We want healthier choices, not to promote unlawful activities with this bill. Thank you.

The Chair (Mr. Grant Crack): Thank you. Ms. McMahon.

Ms. Eleanor McMahon: Thank you, Mr. Chair. I want to respond to the honourable member and say to Mr. Walker how sorry I am that you lost family members to cancer. I, too, have lost family members to cancer.

You talked about your fear. You have fears about—you have certain concerns, if you want to put it that way, and you're not sure how much of an effect this is going to have. Well, I have fears too, and my fears reside in young people starting smoking.

If we understand the data, which tells us that only about 5% of adult smokers use menthol, if we accept the fact that we should do anything we can to stop young people from starting smoking, full stop, and if we accept the fact—and data tells us this—that there is a significant percentage of young people who are smoking menthol cigarettes—why? Because it makes the smoke less offensive to them, and that's what the data is telling us—then this bill is about protecting young people from starting to smoke in the first place. In particular, prohibiting flavoured tobacco products appealing to young people really is an important part of our common goal—at least, I think it is a common goal—of stopping young people from smoking, notwithstanding the social contract that we have with people to protect them.

It's interesting. I'm not going to compare smoking to seat belt use, but I was married to a police officer so I guess this is resonant in my mind. We all have choices; you're absolutely right. But we can choose not to wear a seat belt too and we can get fined for that. Why? Because they're life-saving, and it's proven in data that they are life-saving.

I'm passionate about this, Mr. Chair, as you can probably tell. I think it's important that we prevent young people from starting to smoke in any way, shape or form that we can. This is an important mechanism for doing that.

The government has announced that it intends to exempt menthol tobacco from the flavour ban for a period of up to two years. I still think that this is a really key commitment of the government. We've said so. I think we've been very clear. For that reason, we're not going to support this motion, Mr. Chair. Thank you.

The Chair (Mr. Grant Crack): Thank you very much. Mr. McDonnell first.

Mr. Jim McDonnell: I guess I might dispute that evidence, because when you look at the notes here, only 4% of the youth group actually smoke menthol. They're not starting because there's menthol available, but later on in life they move to menthol because, I think, up to 50% of adults are smoking menthol. That's the change that happens later on. Really, menthol seems to be a choice of adults, not children.

That's why I say you're taking a choice away from 50% or more of the population that legally smokes them. You're doing very little for the other side. You're making it a huge issue for people who have been smoking all of their lives, and it's not going to have any significant impact on people who are 19 or younger because science is showing that they aren't learning or starting on menthol.

As I say, if you really want to have an impact—and I suggest that we should—ban all cigarettes and make it illegal for those 19 years old and under to smoke, period. Get rid of a lot of the stuff that's encouraging contraband and encouraging people to start smoking, because if you want to belong to that group sitting out on the sidewalk, you have to smoke. That's a fact.

The Chair (Mr. Grant Crack): Thank you very much. Mr. Hillier.

Mr. Randy Hillier: Thank you, Chair. I find it interesting that the member would conflate seat belt use with an addiction. She said that some people may choose not to wear seat belts. I don't think anybody is addicted to chewing seat belts or smoking them. We're talking about an addiction here with people, and they're not the same.

I'm sure the member understands what an addiction is. That's why we've created that term. People get addicted to nicotine. Nicotine is a very powerful addiction. Some people describe it as the most powerful addiction, and I think there is a lot of evidence that supports that.

I don't think we want to use the seat belt argument. That would be like saying, "Why do people get addicted to heroin? It's just a choice and they could have not worn their seat belt as well," or whatever. These people need help and assistance. They need some compassion, they need some understanding and they need a way to reduce their addiction, not to move into the grey market or the black market or the contraband or illegal market to satisfy that addiction. I hope that's not the government's intention—if you have an addiction, then you must go into the black market and into the contraband market to satisfy the addiction. It certainly wouldn't be a very compassionate way to deal with this.

1640

I would just also—the Liberal member did mention that they want to do everything—and she emphasized "to do everything"—to stop youth from getting addicted, which, I think, is a good, noble and proper initiative and intention. But if you were going to do everything, you wouldn't target an adult flavour while at the same time not consider making it unlawful to own or possess or use tobacco for youth.

Right now, at the moment, it is not unlawful for youth to own, use or possess tobacco. My colleagues have brought that up time and time again. So you're not doing everything. You're doing some things. You're not doing everything. Some of the things that you are doing I think actually will drive adult law-abiding citizens who are addicted to tobacco into the contraband and black market and become not-so-law-abiding, as well as being addicted.

The Chair (Mr. Grant Crack): Thank you, Mr. Hillier. Mr. Walker.

Mr. Bill Walker: Thank you very much, Mr. Chair. Obviously, I appreciate the acknowledgement by the member from Burlington in regard to my sister. We've all—probably in this room, and anyone who's listening, anyone who's going to read this—suffered similar realities and sadness as a result of this. That's not really the point I was trying to make. The point I was trying to make is, I worry sometimes that we're getting caught up in partisan attempts to use legislation to sell something as opposed to the real fact here. I'm going to talk about a couple of things.

The seat belt—I agree. It's not really an appropriate parallel, because seat belts are yes or no. With the tobacco industry, there is an alternative. There is an illegal alternative. So I think those don't jibe with me, because, certainly, I'm a big proponent. Yes, that was something that we proved, and you can use the nature of that legislation, that it was good. I think most people now, my kids, they would point at mom and dad and say, "Make sure you have them on." As good role models, we would put them on so our kids would wear them. But here, the youth that we're supposedly stepping up for and trying to have as our absolute biggest concern—you missed two huge opportunities to actually do everything in your power to stop youth, to prohibit youth from ever starting, that being contraband tobacco. There's nothing in this legislation that talks about it.

It bewilders me that you, as a party, continue to say, both in committee, in the House and here again today, that you want to do everything, but you did not specifically put anything about contraband in legislation that we know is where youth are starting, whether you want to use a study, or you want to actually talk to the kids, which is what I've done. That's where they're getting access to tobacco. Some of this other stuff—sure, some of it might prohibit, it maybe might not allow them to get into it as easily, but the biggest issue out there is contraband.

Making it illegal—I've offered that a number of times. Why would you not have brought in an amendment once it was brought to your attention, saying, "Yes, that's probably something we should be tackling"? If we were truly sincere about doing everything in our ability to prohibit youth, then why would you not take those two things: the contraband market—tackling that and making sure that it's certainly not growing and it's not going to be there; it is illegal—and making youth smoking—possession, sale—illegal? Those, to me, are two great things that could have actually enhanced this legislation. You would have had a lot easier way to get most of us to buy in had you done that, rather than making arguments about the odd other thing that might be detrimental and it might be a gateway.

There's a lot of "might." There's a lot of "we think." There's a lot of potential. But what's the reality of the two things that we know conclusively would have a huge impact to prevent youth from ever starting smoking? It

just bewilders me that we continue to go over this and it's not even in the legislation. It was never even considered as part of the legislation.

The Chair (Mr. Grant Crack): Thank you, Mr. Walker. Mr. McDonell.

Mr. Jim McDonell: I just wanted to add that when we think of contraband cigarettes, we think it's too bad that people are getting cigarettes or they're avoiding the taxes, but you have to look at some of the other consequences. I see neighbours of mine where their children have gotten caught up. There's so much money involved in this contraband. They end up in jail.

Our court system up here is fairly forgiving. A few of my neighbours' children have actually been charged in the States. The penalties down there are significant. They were talking about more than five years for something that the general public doesn't think is that bad: They're selling cigarettes. I'm telling you, if you take them across the border, that's not the way our neighbours to the south think. They get involved with this and it quickly becomes other things like guns and worse.

There's so much money in this. You drive through Cornwall and you see people, 16- and 17-year-olds, driving some pretty nice, very expensive cars. They're not getting this money—when you see people with a Hummer, you know where this money is coming from. It's just a common joke. But that's what you see around these border towns where this kind of money is there. More than the smoking side, it's wrecking a lot of lives because people end up in jail, and the families—barely a month goes by when there's not article in the paper where they've charged 25 people. A lot of them are American, but a lot of them are from my community. That's only because we've taken steps to make sure that this product is very expensive. You can imagine, with the information we're seeing here, that we're only going to expand the contraband market by expanding the need for menthol.

Anyway, that's a concern, and I think the opportunity starts from making the product illegal, where these people selling these products—these are students, and they're selling them to students in high schools. I've seen some of the penalties to some of the local stores that get caught up by somebody walking in and looking 25 years old and selling, but then we turn around and we don't do anything for the people who are smoking. We know that the vast majority—I think in my area it's somewhere over 70%, I've heard; they did a test at one of the local high schools, and 90% of the students are buying contraband cigarettes. This will have nothing to do as far as stopping that, but making the product illegal to smoke at that age would do a lot to stop it.

The Chair (Mr. Grant Crack): Thank you very much. Ms. Kiwala.

Ms. Sophie Kiwala: Just one quick comment: There's continual reference to the fact that contraband tobacco is not in this piece of legislation. That's because it comes under other legislation, the Tobacco Tax Act, which is through the Ministry of Finance. I just wanted to have that on the record.

The Chair (Mr. Grant Crack): Any further discussion? Mr. McDonell, then Mr. Hillier.

Mr. Jim McDonell: Just one point: I think you're missing the boat there. We're talking about the fact that not making the product illegal for somebody under 19 years old is enhancing or making the contraband much more serious. You can get tough on contraband—it is illegal now—but what's causing a lot of this is the fact that it's not illegal to smoke when you're under 19.

Actually, the other part that I think I made reference to was that for the 50% of the adults who are smoking menthol today, will they seek it through another market? We're finding out through studies that 100% of the 50% are saying that they will, so that will really go a long way to expanding the contraband market that we're now trying to stop.

You make changes sometimes, but you have to look at what the outcome will be. It probably won't be 100% of the 50%, but it will probably be 25% or 50%.

The Chair (Mr. Grant Crack): Mr. Hillier.

Mr. Randy Hillier: Just for clarification: The member for Kingston and the Islands mentioned that the taxation act deals with contraband. I wasn't sure what she was getting at. This Bill 45 amends a number of acts, including the Smoke-Free Ontario Act. It could also amend taxation acts. It could amend many different things. That was the argument: that this act is absent in its treatment or increasing authorities or restrictions on contraband tobacco, although it speaks a lot to tobacco.

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I'm sure the member for Kingston and the Islands has driven down through Marysville and Tyendinaga and the many, many contraband, illegal tobacco shops through Tyendinaga and Marysville and all that area, out towards Belleville. Maybe the members from Eglinton–Lawrence and other places don't see those contraband tobacco shops in their neighbourhoods; I'm not sure. But I can tell the members of this committee that not 10 miles from my home outside of Perth, there are two illegal smoke shops: one on Highway 7, one on County Road 10.

We've tried every avenue. We've approached every federal and provincial government agency and enforcement body to try to shut these illegal tobacco shops down. If you've ever seen a case of pointing fingers in different directions, it's the case of enforcement of laws on illegal cigarettes. And these are, like I said, within about 10 miles of Perth.

If anybody knows that area, there are no native reserves within 10 miles of Perth. This is on Highway 7. Actually, one of them on Highway 7 is right across from a provincial park, Silver Lake Provincial Park. There's a big sign, "Smokes." I'm sure there are countless ministry officials, OPP and RCMP who drive back and forth along Highway 7, and peace officers from the Ministry of Natural Resources going into Silver Lake park. Nobody does a thing about it.

If anybody—

The Chair (Mr. Grant Crack): Mr. Hillier, if you could just bring it back to the fact—we're talking about

something that's not really related to the menthol component.

Mr. Randy Hillier: Well, I just wanted to share—that illustration may not be seen by people on this committee who are representing downtown urban ridings. I don't know. I haven't walked all around Toronto and I haven't driven all around Toronto, so I don't know if there are a lot of contraband shops down here or not.

But listen, if you're going to say you're going to do everything, let's do everything. Let's not just pretend. Let's get to the bottom of the problem. Let's really put an effort into preventing youth from starting to smoke and not attack some other element that really makes up an insignificant amount of the youth market.

The Chair (Mr. Grant Crack): Thank you very much. Any further discussion? There being none, Mr. Walker has moved PC motion 23. I shall call the vote.

Ayes

McDonell, Walker.

Nays

Dickson, Gélinas, Kiwala, McMahon, Vernile.

The Chair (Mr. Grant Crack): PC motion 23 is defeated.

We shall move to PC motion 24, which amends schedule 2, section 3 by implementing subsection 6.1(5). Mr. Walker.

Mr. Bill Walker: I move that section 6.1 of the Smoke-Free Ontario Act, as amended by section 3 of schedule 2 to the bill, be amended by adding the following subsection:

"(5) Subsection (2) does not apply with respect to menthol flavoured cigarillos."

The Chair (Mr. Grant Crack): And I believe "Same" is on the top of—

Mr. Bill Walker: "Same." My apologies.

The Chair (Mr. Grant Crack): That's fine.

Any further discussion? Mr. Walker.

Mr. Bill Walker: Yes. Very similarly again, we haven't banned these for adults. These are out there. Unless we're prepared to put a ban in place, then—yes, there's the potential that some youth may use them, and there's the potential that some flavours may entice some people to smoke. But at the end of the day, we've had a lot of people—deputations—talk to us. It is legal. You're kind of throwing the baby out with the bathwater in a headline to try to make it look like we don't support doing some of the things in this bill. That's not the case.

We just want to make sure that those people, those adults who have come forward to us and said, "This is my choice. This is my right, no different than drinking alcohol. It's legal." We know that alcohol, in excessive amounts, can be detrimental to your health, but we're not telling them that they can't smoke—can't drink; sorry, we've been talking about smoke all day—can't drink

flavoured rum. We're not telling them they can't drink flavoured whisky. There are all kinds of new flavours coming on to that market which have definite negative health impacts if you consume too much.

This is kind of the same principle I'm working on. An adult chooses to drink flavoured alcohol. An adult chooses to smoke flavoured cigarillos. Again, I don't have the numbers right in front of me on how big that market is. I go back, yet again: Here's an area where we're looking at a very small slice, a very small percentage of the overall issue, and yet we left out two very significant things here. They're going to go back to "Youth might smoke a flavoured cigarillo." Let's really address the problem.

To my colleague's point, they could have actually put in here the bill to the finance act. I've had discussions with some of the staffers on the exact same point, saying that if you really, truly were sincere about getting rid of this and about the health of all of our youth and them not smoking, then you would have included this in the bill the first time around. That's why we're taking every opportunity to ensure that people out there understand that we're trying to do this in a balanced, practical manner, we're trying to ensure that there's an ability to improve the health of all Ontarians, and there are tools at their disposal. Should they choose to put them in this legislation we would be having a much different conversation right now and we would probably be much more supportive than with some of the pieces that are already in here because we think they've missed the opportunity, certainly for the illegal portion for youth and the contraband.

The Chair (Mr. Grant Crack): Thank you. Any further discussion? Ms. Gélinas.

M^{me} France Gélinas: I just wanted to put on the record that in December 2008, Ontario actually enacted a ban of all flavoured cigarillos, including menthol cigarillos. That bill received royal assent and it became law. By the time the ink was dry on the bill, the tobacco industry had found a loophole in the bill, as in, "We describe cigarillos by the amount in grams of tobacco in it." They increased it by 0.1 gram and kept right on selling cigarillos. It's high time we corrected the loophole we left behind in 2008.

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? There being none, I shall call for the vote on PC motion number 24.

Nays

Dickson, Gélinas, Kiwala, McMahon, Vernile.

The Chair (Mr. Grant Crack): I'll give another opportunity: None in favour? Fine. The motion is defeated.

Mr. Jim McDonell: It was "for."

The Chair (Mr. Grant Crack): Yes, "for." Sorry.

Mr. Bill Walker: Yes, we were both on record as "for."

The Chair (Mr. Grant Crack): No, you weren't on record for your "fors"; I apologize.

We shall move to PC motion number 25: Mr. Walker.

Mr. Bill Walker: Thank you very much yet again, Mr. Chair.

I move that section 6.1 of the Smoke-Free Ontario Act, as amended by section 3 of schedule 2 to the bill, be amended by adding the following subsection:

"Same

"(6) Subsection (2) does not apply with respect to smokeless tobacco products."

The Chair (Mr. Grant Crack): Well done. Any further discussion? Mr. Walker.

Mr. Bill Walker: Thank you, Mr. Chair. A couple of points I'd like to read into the record, particularly on behalf of those stakeholders who have brought it to our attention, so that people can make their own consideration.

The Canadian Tobacco Use Monitoring Survey reports that in the years 2008, 2009, 2010, 2011 and 2012, 1% of Canadian youth reported past 30-day use.

Smokeless tobacco's high price point is a deterrent for youth to purchase. I believe it's about \$17; I'm talking about the snuff at this point.

Product bans are unfair to adult consumers and law-abiding retailers who sell flavoured tobacco products.

The use of flavoured additives in a smokeless tobacco product does not necessarily mean that the product is flavoured or has a characterizing flavour.

It's consistent, again, with the discussion we've been having this afternoon. It's out there for the adults; it's legal currently. At this point I think we're utilizing the argument that it's going to entice youth, that it's going to encourage youth. That may very well be the case, but we don't know the numbers. We don't know exactly if it's absolute that they will do that because of those flavours. We have adults who have utilized these products for many, many years. If we're not going to put an absolute ban on them, then I think we just have to find a way to amend our legislation to allow those who are law-abiding—let's not forget, again, those law-abiding retailers. This is a market. This is a product that the consumer is demanding.

We again know, if we look at a lot of our fast foods in our province, our country and our society, they're not good for our health, but I don't see any bans on most of those out there. I don't think we're saying that we're going to get rid of all those things that are causing a great deal of obesity in our society. I'm not certain why we're not, but we're not.

Again, it's kind of using that same principle, that if we're not prepared to do that, we have to leave some accountability back to an adult to make their choice. If it's not illegal, then I believe again we're kind of throwing the baby out with the bathwater to some degree and on a lot of hypothesis of what it might do.

Yet again, I'm going to go on record for however many times today, that we're not addressing it through the two tools that I believe could give much more

credibility to what we're doing—and what we're trying to do is to keep youth from smoking, ever starting smoking or continuing to smoke—the contraband market that's out there and by making the possession and use and sale of tobacco illegal for all youth.

The Chair (Mr. Grant Crack): Thank you. Mr. McDonell.

Mr. Jim McDonell: Again, I think that in talking about the smokeless products here, we're talking about something that is not an issue with youth basically. It's much better than the alternative, which is actual smoking. You're going to drive people to that. People are addicted to the—I guess there's talk about snuff and chewing tobacco. I'm just not sure what we're trying to get at here.

Again, we have lots of studies, and lots of the science shows—and we seem to be ignoring this. What are we trying to get at? If you've got a large group of people where the majority use this type of product and we make it illegal just for the sake of “we can”—sometimes people, when they don't feel that Big Brother should have the ability to change things without some real reason behind it, they'll just ignore the law.

The Chair (Mr. Grant Crack): Thank you very much. Any further discussion? Madame Gélinas.

M^{me} France Gélinas: I would say that baseball season is about to start. If you're wondering if youth use chew, just go to any baseball game and look at the number of chewing tobacco containers that are on the bench. You will discover flavours that you didn't even know existed, which brings me to my second point, which is that if the industry was not interested in enticing young people, then why did they introduce so many new flavours in the last few years?

Frankly, if you put chewing tobacco in your mouth for the first time and it is not flavoured, you will spit it across the room. If you put in a piece of chewing tobacco that has been flavoured, really, it's not that bad. You can keep it in there long enough for the nicotine to do its work so that you get addicted and you want another chew.

Chewing tobacco needs to go the same way. If they didn't want youth to start, then don't bring out all of those flavours.

The Chair (Mr. Grant Crack): Thank you very much. Any further discussion? There being none, I shall call for the vote on PC motion number 25.

Ayes

McDonell, Walker.

Nays

Dickson, Forster, Kiwala, McMahon, Vernile.

The Chair (Mr. Grant Crack): That motion is defeated.

Ms. Daiene Vernile: Mr. Chair, point of order.

The Chair (Mr. Grant Crack): Point of order, Ms. Vernile.

Ms. Daiene Vernile: Would you allow us a five-minute recess to use the facilities for those who need to?

The Chair (Mr. Grant Crack): Do I have the consensus to have a five-minute recess? That would be in order. So five minutes is very appropriate.

Ms. Daiene Vernile: Thank you.

The Chair (Mr. Grant Crack): And thank you for the break.

The committee recessed from 1703 to 1710.

The Chair (Mr. Grant Crack): Okay. We're on PC motion number 26, which is an amendment to schedule 2, section 3. It is a PC motion: Mr. Walker.

Mr. Bill Walker: I move that section 6.1 of the Smoke-Free Ontario Act, as amended by section 3 of schedule 2 to the bill, be amended by adding the following subsection:

“Same

“(7) Subsection (2) does not apply with respect to snuff.”

The Chair (Mr. Grant Crack): Thank you, Mr. Walker. Further discussion?

Mr. Bill Walker: This is one of those products that is legal for adults to consume. We had a deputation in. One of the things that I found very interesting is that smokeless tobacco sales accounted for less than one third of 1% of all tobacco sold in the province. I wasn't aware of that. I was certainly not aware that the products typically retail for approximately \$17 plus HST, or almost double the price of a package of premium cigarettes.

At the risk of you yelling at me, Mr. Chair, I'm going to share a little story. When I was a young man, the elderly neighbour next door invited me over, and he handed me this stuff. I, of course, being five or six years old, thought it was candy, so I took this stuff and put it in and gave it a little chew. It was sugar-coated or something-coated. Well, it tasted really good, and I thought, “Wow, I really like this.” It was like bubble gum. All of a sudden, all the sugar dissipated, and it was just whatever it was. I'll tell you, there was nothing nastier. I'm not certain I ever forgot that dear old soul. But he taught me a lesson.

I think I've maybe shared in the House before that I have two elder brothers—quite a bit older than me, in fact—and when I was about five years old, they gave me a cigar, and I turned green and was very ill. About five minutes later, they gave me a cigarette, and I turned green and was violently ill. Five minutes later, they gave me a five-cent cigar—they gave me one of each, anyway—and I turned violently ill again. So I'm not in the smoking category as a fan, you might say.

What we want to do here is be fair to those people. If it's not illegal, if it's something that they have the ability to make their choice, even if it's a poor choice—as I've said earlier, we don't ban flavoured alcohol—which we know, if it's consumed too much, certainly does damage—fatty foods, junk foods, lots of the things that I actually probably eat that are not good if you eat too much of them. We don't ban those.

I just think that some of this is going overboard. We're using the moniker that it's going to save the youth, that it's going to prevent every single youth out there from ever smoking, ever entering into the smoking world. I wish that was true, and if it was, I'd be the first person to stand up and support that. But I don't think it's the reality. I think there are a couple of other things that could have been done, that should be in this legislation and aren't.

I just want to make sure that we reinforce again that contraband wasn't in here—any application of contraband—to address what is a significant issue. It could have been, certainly, making it illegal for youth to possess, sell or utilize tobacco products. I think those could have been in there, and we'd be talking about a whole different story.

On this point, I think we're talking about something that's pretty small, pretty minuscule overall. I think adults who maybe have an addiction—and I think some of my colleagues have talked about it. I, fortunately, don't have that type of an addiction. I really don't know what that means, if you have one.

Just banning it outright—again, I think what happens is that they go to the illegal market. They'll find, in the contraband shops, a way to make smokeless tobacco that is going to appeal to those people. Again, they're not going to stop smoking; they're just going to a different vendor to get it. Then we're not truly addressing making this a healthier choices act for Ontarians. What this is doing is, it's optional, in which I don't believe we're truly addressing the health needs of our people.

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: Are we going to push people—a very small segment, regardless; one third of 1%—to a more harmful type of tobacco use? Are they going to now take up smoking instead of chew?

I can't imagine that the intention of the government is to move people from harmful tobacco products to more harmful tobacco products, but that's what I think is one of the unintended consequences here. A very, very small segment of the population uses this, hardly measureable by most standards—one third of 1%. But we're going to say that if you need to satisfy your nicotine addiction, you're better off to burn it and smoke it and elevate your likelihood of lung cancer and other diseases. We know that smoking is the most harmful delivery way to satisfy the nicotine addiction—the most harmful of any way.

I agree with my colleague. I think this is not going to benefit anybody. It's certainly not going to benefit society. It's not going to benefit those people who are addicted to nicotine and now might find that the only way to satisfy their nicotine addiction is by smoking. We should be doing everything possible to encourage people not to smoke, not give them incentives or give them reasons why they ought to smoke.

I think it's poorly thought out. I think if we had further time to hear from a greater number of people at committee, instead of the three afternoons that we did—and I know that we had hundreds of people who had requested

to be at the committee, but they were not afforded the opportunity to come. We limited it to three afternoons.

I do think that this amendment will be more likely to achieve the results that the government is looking to achieve of reducing people's probability of taking up tobacco smoking.

The Chair (Mr. Grant Crack): Thank you, Mr. Hillier. Any further discussion?

There being none, I shall call the vote on PC motion 26.

Ayes

McDonell, Walker.

Nays

Colle, Dickson, Forster, Kiwala, McMahon, Vernile.

The Chair (Mr. Grant Crack): PC motion 26 is defeated.

We shall move to PC motion 27, which is an amendment to schedule 2, section 3. Mr. Walker.

Mr. Bill Walker: Thank you so much, Mr. Chair. It's a pleasure to speak today.

I move that section 6.1 of the Smoke-Free Ontario Act, as amended by section 3 of schedule 2 to the bill, be amended by adding the following subsection:

“Menthol flavoured cigarettes, cigarillos

“(8) Subsection (2) does not apply with respect to menthol flavoured cigarettes or menthol flavoured cigarillos unless the minister has tabled a report in the assembly that indicates that contraband tobacco represents less than 10 per cent of all tobacco sold in Ontario.”

The Chair (Mr. Grant Crack): Thank you very much, Mr. Walker. Discussion?

Mr. Bill Walker: Again, I think the concern we have is that a product ban could drive consumers, and probably will drive consumers, to purchase contraband tobacco. In some cases, they'll probably purchase a lot more and smoke a lot more, and thus, their health will be going in the wrong direction, as opposed to what this bill is intended to do.

The contraband tobacco market is estimated to cost the province about \$15 billion a year in lost tax revenue. We want the government to find true sources and to unequivocally prove to us that this contraband is less than 10%. If not, hopefully they will address it in the nature that we would have liked to have seen.

We know the contraband market is linked to other illicit activity, including human trafficking, gangs, illegal weapons and drugs. I've found, all through this whole debate on this piece of legislation, that it's something that no one seems to want to truly address. They find all kinds of, “Well, we can't, because it's a finance bill. It's not this bill.”

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If you were really sincere, you could have quite easily put into this bill—or a multitude of other bills over their 10 years of reign, by the way, Mr. Speaker. This isn't a

smoke shop just set up in the spring of 2015; this has been here for many years. We're actually seeing more of them going up. In my riding of Bruce-Grey-Owen Sound, we've seen a number more crop up. I've had actual discussions with people who are much more knowledgeable than me on these, and they know that these are true revenue resources too.

One of my colleagues said earlier that a number of young people who are associated with this activity are driving very, very expensive vehicles. I don't think it's from selling lemonade at their stands. I think it's from selling contraband tobacco to an increasing market. I think there are a lot of legitimate adult smokers who are now going to those smoke shops and are smoking three times, five times, 10 times more.

As I've said many times today and throughout this debate, I've spoken to the youth in my area. That's the gateway to youth smoking on school grounds and off school grounds. They can buy approximately 200 cigarettes for \$8. That is one way to get a lot of people smoking who otherwise, even from a financial perspective, can't afford a carton of cigarettes, but they can certainly afford a bag, or they pool their resources as young people and buy a bag or bags, and it just continues on.

This is yet again one of those ones that, rather than just using rhetoric and the odd hand-picked study, we want them to truly come with unequivocal evidence that states that less than 10%—I don't think that anyone who knows anything about the contraband market would believe we're even close that it's only 10% of all the tobacco sold in Ontario. It certainly isn't something in my backyard. Many of our colleagues have the smoke shops—illegal, contraband smoke shops—in their backyards. There's a lot of traffic and a lot of volume, and these people aren't going into that without doing their due diligence to make sure they can generate a lot of revenue.

So, Mr. Speaker, I hope we can find a way to move forward on some of these motions to actually truly get to the root and truly be able to help our youth not smoke and stop smoking.

The Chair (Mr. Grant Crack): Thank you very much. And it is a privilege to be called "Speaker."

Mr. Bill Walker: Oh, did I call you that again? My apologies.

The Chair (Mr. Grant Crack): Fourth time today. I'd remind all members of the committee that there is a process in place to choose the legislative Speaker, and I am not one of those who was there. So thank you very much.

Mr. Randy Hillier: I see the physical resemblance.

The Chair (Mr. Grant Crack): Any further discussion?

There being none, I shall call for the vote on PC motion number 27.

Ayes

McDonell, Walker.

Nays

Colle, Dickson, Kiwala, McMahon, Vernile.

The Chair (Mr. Grant Crack): PC motion number 27 is defeated.

We've dealt with the amendments to schedule 2, section 3 that were proposed by the various parties. There have been no amendments carried. Is there any further discussion on schedule 2, section 3? There being none, I shall call for the vote. Shall schedule 2, section 3, carry?

Ayes

Colle, Dickson, Forster, Kiwala, McMahon.

The Chair (Mr. Grant Crack): None opposed. Schedule 2, section 3 is carried.

We have a new schedule proposed by the NDP. It would be NDP motion number 29. Ms. Forster.

Ms. Cindy Forster: I move that schedule 2 of the bill be amended by adding the following section:

"3.1 The act is amended by adding the following section:

"New tobacco products

"Prohibition

"6.2(1) No person shall sell or offer to sell a tobacco product at retail or for subsequent sale at retail, or distribute or offer to distribute it for that purpose, unless the product was lawfully so sold, offered for sale or distributed in Ontario before January 1, 2016.

"Exception

"(2) Subsection (1) does not apply to a brand of a tobacco product sold or offered for sale at retail or for subsequent sale at retail, or distributed or offered for distribution for that purpose, for the first time in Ontario on or after January 1, 2016 if another brand of the same tobacco product was lawfully so sold or distributed, or offered for sale or distribution, in Ontario before that date."

The Chair (Mr. Grant Crack): I'll make a few comments with regard to this motion. Amendment 29, which is a new section 6.2 of the Smoke-Free Ontario Act, seeks to prohibit the sale of any new tobacco product. Schedule 2 of Bill 45, which amends the Smoke-Free Ontario Act, does set out new prohibitions with respect to the sale of tobacco, but these are limited to promotional items and the sale of flavoured tobacco products.

To extend the prohibition to include all new tobacco products would seem to me to exceed the scope of the bill or the reasonable limits of its collective purpose, as set out by its existing clauses and schedules. I therefore rule the amendment out of order.

There are new sections proposed, 3.1 and 3.2, by the NDP. It's NDP motion number 30. Ms. Forster.

Mr. Mike Colle: So 29 is ruled out of order?

The Chair (Mr. Grant Crack): Out of order.

Mr. Mike Colle: NDP motion 29—

The Chair (Mr. Grant Crack): —is out of order.

Ms. Forster.

Ms. Cindy Forster: I move that schedule 2 to the bill be amended by adding the following sections:

“3.1 The heading immediately before section 9 of the act is repealed and the following substituted:

“Controls relating to smoking

“3.2(1) Subsection 9(1) of the act is repealed and the following substituted:

“Prohibitions

“9(1) No person shall do the following in an enclosed public place or enclosed workplace:

“1. Smoke tobacco or hold lighted tobacco.

“2. Using a waterpipe to smoke tobacco or non-tobacco substances.

“Definition

“(2) In this section,

““non-tobacco substances” includes herbs” and “herbal substances;

““waterpipe” means any lighted or heated smoking equipment used to burn tobacco or non-tobacco substances or any combination thereof and draw the resulting smoke through a liquid before it is inhaled; ...”

The Chair (Mr. Grant Crack): I believe, just under the definitions, you wanted to say, “includes herbs or herbal substances,” not “herbs and herbal substances.” I just want to make that clarification.

Ms. Cindy Forster: Clarified.

The Chair (Mr. Grant Crack): Thank you very much.

The amendment that you’re proposing, Ms. Forster, seeks to amend a section of the bill that’s not open in Bill 45. It’s therefore beyond the scope of the bill, so I must rule it out of order.

Okay, moving on, we have schedule 2, sections 4 and 5, and sections 6, 7, 8, 9 and section 10. Does the committee wish to lump schedule 2, sections 4 through 10 inclusively?

Mr. Bill Walker: No.

The Chair (Mr. Grant Crack): I heard a no. We shall do them individually.

There are no amendments to schedule 2, section 4. Shall schedule 2, section 4, carry?

Ayes

Colle, Dickson, Forster, Kiwala, McDonell, McMahon, Vernile, Walker.

The Chair (Mr. Grant Crack): None opposed. Schedule 2, section 4 is carried.

We’ll move to schedule 2, section 5. Before I call for the vote, is there any discussion? There being none, schedule 2, section 5: Shall schedule 2, section 5, carry?

Ayes

Colle, Dickson, Forster, Kiwala, McDonell, McMahon, Vernile, Walker.

The Chair (Mr. Grant Crack): None opposed. Schedule 2, section 5, is carried.

We shall move to schedule 2, section 6. Any further discussion on that schedule and section? There being none, shall schedule 2, section 6, carry?

Ayes

Colle, Dickson, Forster, Kiwala, McDonell, McMahon, Vernile, Walker.

The Chair (Mr. Grant Crack): None opposed. Schedule 2, section 6, is carried.

We shall move to schedule 2, section 7. Any discussion on schedule 2, section 7? There being none, shall schedule 2, section 7, carry?

Ayes

Colle, Dickson, Forster, Kiwala, McDonell, McMahon, Vernile, Walker.

The Chair (Mr. Grant Crack): None opposed. Schedule 2, section 7, is carried.

We shall move to schedule 2, section 8. Any further discussion? There being none, shall schedule 2, section 8, carry?

Ayes

Colle, Dickson, Forster, Kiwala, McDonell, McMahon, Vernile, Walker.

The Chair (Mr. Grant Crack): None opposed. Schedule 2, section 8, is carried.

We shall move to schedule 2, section 9. Any discussion? There being none, shall schedule 2, section 9, carry?

1730

Ayes

Colle, Dickson, Forster, Kiwala, McDonell, McMahon, Vernile, Walker.

The Chair (Mr. Grant Crack): None opposed. Schedule 2, section 9, is carried.

We shall move to schedule 2, section 10. Any further discussion? There being none—

Mr. Bill Walker: Mr. Chair, could I just—

The Chair (Mr. Grant Crack): Mr. Walker.

Mr. Bill Walker: One point of clarification I had on, I believe, section 10, subsection 2, section 7, “a prescribed place or area.” At one point, I had a discussion with some of the staff, and I was talking about things—it’s more to “a workplace,” but it might fall under this as well, so I’m just asking for some clarification.

Someone like a crane operator, who is 250 metres or 300 metres in the air—that might be the only place—and

this is to vaping. My concern was that might be a place where a person wants to do that. But if we just call it a “prescribed area” or “a workplace,” that person would be prohibited from having an e-cigarette there.

There are people like Purolator courier drivers who are in an enclosed vehicle by themselves all day long, and I just want to make sure, for clarity—and I believe we can probably work this out in regulation, but we don’t always get the opportunity to be part of that regulation discussion.

I just want to put on the record that those are the types of things where we’ve had people coming to us, saying, “This is my work area. It is solely confined to me. If they’re e-cigarettes and they’re not going to be illegal, why can’t I have them in those types of places?” I just used those two as an example.

The Chair (Mr. Grant Crack): Mr. Walker, for clarification purposes, would you be so kind as to tell us what you’re referring to? Which schedule? Which section?

Mr. Bill Walker: Unless I’m on the wrong page, it’s “Prohibition,” section 10.

Interjections.

Mr. Bill Walker: Not section 10? That’s number 10.

The Chair (Mr. Grant Crack): Is that schedule 3?

Mr. Bill Walker: Sorry. My apologies; I’m ahead of myself. That’s why I didn’t want to do these all as one because I wanted to make sure I could go through them. But you are correct. Just disregard my whole last little verbage there, Mr. Chair. I do apologize.

The Chair (Mr. Grant Crack): It’s very difficult to disregard it because it’s in the record, but we thank you for sharing that.

Mr. Bill Walker: I’d be happy to put a motion to disregard and strike that from the record if everyone would unanimously agree.

The Chair (Mr. Grant Crack): It’s fine. Mr. Hillier.

Mr. Randy Hillier: But I think clause 8—maybe that’s what you were referring to.

The Chair (Mr. Grant Crack): We’re on schedule 2, section 10.

Mr. Randy Hillier: No, we’re on 9—

The Chair (Mr. Grant Crack): That’s already been voted on. We’re dealing with schedule 2, section 10, which is the proclamation date. That’s what we’re discussing now. Ms. Forster.

Ms. Cindy Forster: You could clarify your record and say that you want to be on the record to have it applied to section 9, subsection 8.

Mr. Bill Walker: Correct. Thank you very much. That’s exactly what I was trying to say. It’s just been a long day, Mr. Chair.

The Chair (Mr. Grant Crack): Thank you very much.

We’re on schedule 2, section 10. Any discussion on schedule 2, section 10, which is the proclamation date?

Mr. Randy Hillier: Yes.

The Chair (Mr. Grant Crack): Mr. Hillier.

Mr. Randy Hillier: We saw in the earlier schedule that there was a date defined, and I spoke to that clause. There were a lot of things that were being left to be developed by ministry administrators and officials, but they came up with a set-in-stone date for proclamation of January 1, 2017. I’m just going to ask the committee members if there is a view of how long it will take before schedule 2 gets proclaimed and if there have been discussions about the length of time to develop those regulations affecting schedule 2.

The Chair (Mr. Grant Crack): Thank you very much. Any further discussion? Mr. McDonell.

Mr. Jim McDonell: I’m just wondering, because we did put a date in one part—I don’t know how at the end you do not have a consistent date right through it of 2017. If you’re going to put a section that has to be acclaimed, I don’t know how the overall section can be missed and not the same date lined up right through.

The Chair (Mr. Grant Crack): There are different components of the particular piece of legislation, Bill 45. It appears that there are certain sections that will come into effect at different times. There has been an amendment of up to January 1, 2017, which was passed by the committee. You are more than entitled to have some discussion with regard to this particular proclamation method and/or date, and that’s what we’re here for.

Any further discussion? Mr. Hillier.

Mr. Randy Hillier: I thought I was just being fairly clear, asking a fairly simple question: How long do we expect the regulations to take to be developed for schedule 2? It’s not just for my own curiosity, but for all those businesses and people who are going to be impacted.

We are talking about flavours in tobacco. We know there are a great many businesses both involved in the retail and manufacturing, the wholesale and distribution of these things, and I think it’s important that we have some sort of indication from the Liberal members on this committee what that period of time is going to be. Are these people going to be impacted, with their businesses, next week, next month, a year from now or two years from now? This will be a substantial disruption to many businesses. We’ve heard that from the convenience store people. We heard it from a host of different presenters to the committee.

I would just encourage and ask—again, have that consideration. Has there been any discussion by the Liberal members with the ministry about how long it will take to develop the regulations and to have some idea when this schedule will actually be proclaimed into law?

The Chair (Mr. Grant Crack): Any further discussion? Mr. Walker?

Mr. Bill Walker: Chair, may I call for a 20-minute recess?

The Chair (Mr. Grant Crack): Well, yes, you’re entitled to call, but is there any further discussion?

Mr. Jim McDonell: I just want to clarify one thing here. I think Mr. Hillier was right. Sometimes there’s a sizable inventory. If you don’t give a suitable amount of time—it’s my understanding that when these raw products are bought, the tax is paid, so the only way they

can get rid of them is to sell them off to contraband suppliers. I just think that when the legislation is put into force, there should be a date set, so that these retailers can have some time to plan their future, because other than selling them illegally, they can't sell them once the date is proclaimed.

The Chair (Mr. Grant Crack): Any further discussion?

It is in order to request a 20-minute recess prior to a vote. There has been a request prior to the vote.

Ms. Vernile?

Ms. Daiene Vernile: Mr. Chair, just keeping an eye on the clock, if we take a 20-minute recess, that'll put us back with two minutes.

The Chair (Mr. Grant Crack): The request is in order. We are required to sit till 6 p.m. The 20-minute request has been asked for. I will allow that to happen if that's—I can't think of the word.

So there is a 20-minute recess prior to the vote. When we come back, we'll be voting on schedule 2, section 10.

The committee recessed from 1739 to 1759.

The Chair (Mr. Grant Crack): Okay, I'd like to call the meeting back to order.

Mr. Randy Hillier: No quorum.

The Chair (Mr. Grant Crack): Thank you for the input from the gallery. I appreciate that. There is no quorum, Madam Clerk, so I believe that—

Interjection.

The Chair (Mr. Grant Crack): Do you want me to clarify that, then—that I'm not allowed to bring that to your attention? Perhaps if someone—

Mr. Mike Colle: Yes, let's proceed. I move unanimous consent that we move the rest of Bill 45 without amendment—unanimous consent to move the remainder

of Bill 45 without amendment and report the bill to the House.

Mr. Randy Hillier: Now we have a quorum.

The Chair (Mr. Grant Crack): Okay. We have a quorum.

Ms. Vernile.

Ms. Daiene Vernile: I move that we pass, as amended, Bill 45—

The Chair (Mr. Grant Crack): No. No, we can't.

We have a motion on the floor. The 20-minute recess took place, so I'm going to call the question right now. Shall schedule 2, section 10, carry?

Ayes

Colle, Forster, Kiwala, McMahon, Vernile.

The Chair (Mr. Grant Crack): None opposed. Schedule 2, section 10, is carried.

Now it's schedule 2 in its entirety. It's 6 o'clock, so we will deal with schedule 2 when we return.

Mr. Mike Colle: What about my motion for unanimous consent?

The Chair (Mr. Grant Crack): Unanimous consent is not allowed following a 20-minute recess. We have to deal with the motion that was on the table prior to the recess.

Mr. Mike Colle: But with unanimous consent, the committee can do anything.

The Chair (Mr. Grant Crack): But when there's a motion on the table, that takes precedence.

This meeting is adjourned.

The committee adjourned at 1801.

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Also taking part / Autres participants et participantes

Mr. Randy Hillier (Lanark–Frontenac–Lennox and Addington PC)

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Ms. Sylwia Przedziecki

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ISSN 1180-5218

Legislative Assembly of Ontario

First Session, 41st Parliament

Assemblée législative de l'Ontario

Première session, 41^e législature

Official Report of Debates (Hansard)

Wednesday 29 April 2015

Journal des débats (Hansard)

Mercredi 29 avril 2015

Standing Committee on General Government

Making Healthier Choices
Act, 2015

Comité permanent des affaires gouvernementales

Loi de 2015 pour des choix
plus sains



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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Wednesday 29 April 2015

Mercredi 29 avril 2015

*The committee met at 1600 in committee room 2.*MAKING HEALTHIER CHOICES
ACT, 2015
LOI DE 2015 POUR DES CHOIX
PLUS SAINS

Consideration of the following bill:

Bill 45, An Act to enhance public health by enacting the Healthy Menu Choices Act, 2015 and the Electronic Cigarettes Act, 2015 and by amending the Smoke-Free Ontario Act / Projet de loi 45, Loi visant à améliorer la santé publique par l'édiction de la Loi de 2015 pour des choix santé dans les menus et de la Loi de 2015 sur les cigarettes électroniques et la modification de la Loi favorisant un Ontario sans fumée.

The Chair (Mr. Grant Crack): Good afternoon, everyone. I'd like to call the meeting to order. This is the Standing Committee on General Government. We're here to continue with clause-by-clause on Bill 45, An Act to enhance public health by enacting the Healthy Menu Choices Act, 2015 and the Electronic Cigarettes Act, 2015 and by amending the Smoke-Free Ontario Act. Welcome all members, the Clerks' office, Hansard and legislative counsel.

At the end of the last meeting we were on schedule 2. I would also like to make a point that there had been a request previously that all motions be dealt with by recorded vote. I'm not sure if that still stands. Is there a request, Mr. Colle?

Mr. Mike Colle: Yes.

The Chair (Mr. Grant Crack): Mr. Colle is requesting that we continue along the process with recorded votes on each motion.

So we shall continue with schedule 2. Shall schedule 2 carry?

Ayes

Anderson, Colle, Dickson, Gélinas, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): Those opposed? Schedule 2 is carried.

We shall move to schedule 3. There is a PC amendment number 31 to schedule 3, subsection 1(1). Mr. Hillier?

Mr. Randy Hillier: I move that subsection 1(1) of schedule 3 to the bill be amended by striking out the

definitions of "commercial," "employee," "employer," "enclosed public place," "enclosed workplace," "minister," "prescribed," "promote," "regulations" and "use."

The Chair (Mr. Grant Crack): Okay. Thank you very much. Mr. Hillier has moved the motion. Further discussion? Mr. Hillier.

Mr. Randy Hillier: Thank you, Chair. I would like to just inform the committee that here is a presentation that wasn't made to this committee but was intended to be. It was done by Jacques Huot. He's the former chair of Anishnawbe Health Toronto. I'd like to just quote a little bit from his presentation for the members of this committee. He says:

"I respectfully urge you in the strongest possible terms to consider that harm reduction is the best course of action. By unduly regulating this market segment or by allowing big tobacco to foist their products on the people of Ontario through a misguided Bill 45, your government will kill the most promising alternative for people wanting a choice for a healthier future and a reduction in the financial burden caused by cigarettes.

"I would like to open with comments on the legislation before you. While the authors and proponents of Bill 45 are quick to state there is no ban of e-cigs in this legislation," many "of its clauses are so restrictive as to effectively do so."

I'll table this report with the committee afterwards.

"In conclusion, the disadvantaged population groups of our province and the economic stress on our health care system are being ignored in this debate in the context of this disruptive yet life-saving technology. Once again, as it did for gay rights, Ontario can be at the forefront of understanding that the science is definitive. The human beings in these groups deserve a chance to make a choice and to have a choice to make.

"Therefore, I respectfully urge you in the strongest terms possible to consider," as the Anishnawbe health team has, "that harm reduction is the best possible course of action. By unduly regulating this market segment your legislation will hinder, if not kill, the most promising alternative for people wanting a choice for a healthier future and a reduction of the financial burden caused by cigarettes.

"I urge you to work with the Electronic Cigarette Trade Association and the Tobacco Harm Reduction Association of Canada and the world recognized scholars and scientists that they can bring to the table to deliver a balanced, world-leading vaping legislation.

"Meegwetch."

I'd like to table that with the committee Clerk. There is some interesting information in it.

Just further on that, we have recognized that harm reduction is a goal that we want to achieve. We've used harm reduction as a policy, whether it's providing condoms to prevent the spread of STDs, whether it's the methadone clinics for heroin users, or whether it's the Insite clinic that was approved and recognized by the Supreme Court of Canada. Harm reduction ought to be our goal. It needs to be our goal. This bill does away with harm reduction.

As we've heard from many deputants—very compelling personal stories, like Marion Burt, and very strong scientific and academic studies, such as Dr. John Britton from ASH in the UK—the biggest threat to big tobacco is electronic cigarettes, vaporizers. I find it disturbing that the government is proposing a bill that would promote and protect the big tobacco interests and not take on the harm reduction strategy.

At the outset, this government has stated on many occasions that they will create policy and laws based on science and evidence. I've called them to task on that in the House. We've heard from the committee members here in this room that when there is not science or evidence to back up their assertions, then they rely on the precautionary principle instead of science. But I'd like to just read something into the record about this inconsistency:

"Strong formulations of the precautionary principle, without regard to its most basic provisions that it is to be applied only where risks are potentially high and not easily calculable, applied to the principle itself as a policy decision, may rule out its own use. The reason suggested is that preventing innovation from coming to market means that only current technology may be used, and current technology itself may cause harm or leave needs unmet; there is a risk of causing harm by blocking innovation. As Michael Crichton wrote in his novel, *State of Fear*: 'The precautionary principle, properly applied, forbids the use of the precautionary principle.' For example, forbidding nuclear power plants based on concerns about risk means continuing to rely on power plants that burn fossil fuels, which release greenhouse gases."

You can't have it both ways: the precautionary principle and science and evidence.

I'm going to present further documentation to the committee from some very outstanding people who wanted to make delegations to this committee, but in our haste and not allowing everybody their opportunity, many did not make their presentation. Another one that I'll be referring to today is from David Sweanor, adjunct professor of law at the University of Ottawa and special lecturer in epidemiology and public health at the University of Nottingham.

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He is probably the most successful litigator against big tobacco. He has brought in and has been successful in the courts against big tobacco. He was in to see me and was

aghast that this government would be bringing in schedule 3 of Bill 45. I'll reference some of his comments later on.

I do want to reiterate once again that we are not protecting people with schedule 3 of Bill 45; we are protecting big tobacco and we're protecting big pharma. The most effective technology so far developed to help people kick their smoking addiction is the vaporizer, which will be banned in Bill 45. We are going to condemn tens of thousands of people to stay addicted to tobacco on false, moralistic grounds that have no science or evidence to back it up. Thank you.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Hillier. Any further discussion? Ms. Gélinas.

M^{me} France Gélinas: I would say that there are bits and pieces of what my colleague just shared that I would agree with, the first one being that it is rather regrettable that we did not have time to listen to everybody who wanted to come and make deputations to this Legislature, really. It is hard for people to get involved with the legislative process, and when individuals who have never done this before reach out to us, it is a real shame that we don't take the time to listen to what they have to say. It doesn't matter if we have heard it before; it doesn't matter if other presenters have done the same—they are allowed to come and be heard. This is how democracy works.

I support the fact that my colleague is bringing into the record deputations that never had a chance to be heard. I don't think clause-by-clause is the place to do that, but then how would he, when the opportunity was taken away from a lot of people who would have engaged with the Legislature for the first time in their lives and become part of what we're so proud of, which is a democracy?

The second part is that we heard very much anecdotal evidence, and in my book, that never makes science. It doesn't matter how much anecdotal evidence we have; I don't think that it will ever take the place of science. But we have some pretty robust research programs in place right now that will be able to inform us as to how effective vaporizers or e-cigarettes are at helping people quit. We have to make absolutely sure that we don't have to come back to this Legislature if it turns out that these new e-cigarettes would be good smoking-cessation aids.

So there are some worries, and here again, they are based on time. You have seen, by some of the amendments that I have brought forward, that I had a really tough time meeting the deadlines that were imposed upon us, and that some of the amendments that I brought forward I later had to retract and resubmit because we just couldn't make this 16-hour deadline. This is not the way democracy should work. We should not have to table our amendments not even 16 hours after we've heard the last deputation. This is not reasonable. Lawyers write those things for us. The lawyer I was working with was very diligent, accessible, and she tried her best, but the timeline was really, really tough to maintain. This leaves me with this really uneasy feeling that if we had had just a bit more time—make it on Monday; I was not

asking for months of delay. I've been waiting a long time for some of the pieces in that bill to come through. Far be it for me to slow this thing down, but really, to give us to the Monday rather than the Thursday—like Friday all day and amendments on Monday—would have made a whole lot of difference.

All this is to say that the science is not there yet, but we are about to learn. There are two research projects funded by the Ministry of Health right now that will bring us very close to being able to say that there is value and there is a body of scientific evidence to support all of the anecdotal claims that we have brought forward. Let's make sure that this legislation allows us to use the scientific evidence as soon as it becomes available, which should be before the end of this year. Thank you.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Hillier.

Mr. Randy Hillier: Thank you, France. We heard anecdotal evidence, such as from Marion Burt, somebody who had smoked for 40 years and tried every conceivable prescription and other mechanism to quit smoking. The only thing that she found successful was the vaporizer. She's been off cigarettes for a year now. That's anecdotal. But we also heard from Dr. John Britton from the United Kingdom Centre for Tobacco and Alcohol Studies. He testified at the House of Commons, but it's essentially the same thing that he said by phone call from the UK to this committee. He stated:

"We have found that ... a couple of million of our smokers in the UK are now occasional or regular users of electronic cigarettes and about 700,000 are now exclusive users" of vaporizers. "Seven hundred thousand people quitting smoking by swapping to an alternative source over the course of ... four years is more than our National Health Service smoking cessation services have achieved in over a decade."

That's not anecdotal; that's evidence. Vaporizers work. They help people stop smoking. Why this government wants people to continue smoking under a precautionary principle is astonishing.

Also, in that same testimony, to talk about the anecdotal: A University of Ottawa professor of medicine, Mark Tyndall, calls e-cigarettes the "ultimate harm reduction intervention."

McGill University's Dr. Gaston Ostiguy writes on behalf of a group of doctors, professors and health advocates to support age restrictions and manufacturing standards, but warns against any excessive regulations that could make it difficult to communicate about the reduced risk of these products, or access to them.

I don't know if the members on this committee are aware, but I would say this Bill 45, schedule 3, is demonizing the vaporizer. You're using hyperbole and rhetoric to demonize something that has been demonstrated to be helpful and effective for people who are addicted to nicotine. Up until this, the only effective way to satisfy their nicotine addiction was by smoking cigarettes.

I'll just finish off here by saying that noted anti-smoking activist David Sweanor, who again—I'll share

his presentation that he could not provide; he was not afforded the opportunity. He says that we need to "focus on opportunities" of products like e-cigarettes, "rather than merely focus on potential and theoretical risks, as technology delivers products that can replace cigarettes."

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Sweanor has also been critical of the moral absolutism of those who advocate an abstinence-only approach to nicotine as opposed to the one focused on harm reduction. I think that really puts it in a nutshell, this moral absolutism of abstinence only, not harm reduction. If the Liberal government members used that same approach for STDs, condoms would not be available in this province, because a condom may break; it is not 100% absolute certain. But of course, we know from all the evidence that wearing condoms prevents or limits STD transmission.

Why we can't use that same principle to help smokers kick their habit and save our health care system and save those lives—14,000 people a year in this province die from smoking. It appears, with Bill 45, schedule 3, that that is an acceptable mortality rate in this province.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Hillier. Any further discussion? There being none, Mr. Hillier has moved PC motion number 31.

Ayes

Hillier, Walker.

Nays

Anderson, Colle, Dickson, Gélinas, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): PC motion 31 is defeated.

We shall move to PC motion number 32, which is an amendment to schedule 3, subsection 1(2). Mr. Hillier.

Mr. Randy Hillier: I move that subsection 1(2) of schedule 3 to the bill be struck out.

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? Mr. Hillier.

Mr. Randy Hillier: I'm going to read into the record some small component of David Sweanor's testimony that he was not permitted to provide to this committee:

"Through my career I have worked with major bodies such as the World Health Organization, World Bank and numerous regional and national bodies. I have testified before numerous legislative bodies across Canada, in both Houses of the US Congress and before legislative bodies in many other countries around the world. It is with much dismay that I learned that this committee, in my lifelong home province, did not see fit to hear from me in person despite my requests to testify on Bill 45. This rejection happened without explanation and despite my high profile on issues of e-cigarettes specifically, and tobacco and health policies in general."

Again, I'll reference: He's the adjunct professor of law at the University of Ottawa and special lecturer in

epidemiology and public health at the University of Nottingham.

“Why [e-cigarette products] are important: Cigarette smoking is still, by far, our largest cause of preventable death, resulting in the deaths of approximately 14,000 Ontarians annually. While we have done much to motivate smokers to want to quit, we have done much too little to facilitate the behaviour change. The vast majority of cigarette smokers in Ontario evince a desire to quit smoking but our success rate in turning a ... smoker into an ex-smoker is frankly, dismal.

“This is largely due to the fact that we have not addressed the product itself. We have dealt with almost everything about a cigarette, such as where it can be sold and used, the price, the packaging, the promotion, etc. but have done virtually nothing to deal with the actual product. This is out of keeping with public health initiatives on other unsafe products....

“The public health tragedy of the 14,000 Ontario deaths per year is not from the nicotine they seek, but from the extraordinarily deadly way they get it. This point on relative risks, and the role for electronic cigarettes, has been made very forcefully in recent weeks by Dr. Derek Yach, the former head of tobacco control at the World Health Organization.”

The Chair (Mr. Grant Crack): Mr. Hillier, if I may, the amendment that you're proposing is to subsection 1(2), which deals with enclosed workplaces, so perhaps you could bring your remarks into that particular one. You're free, at the end, when we discuss the entire section, to make any remarks that you feel should be made in general.

Mr. Randy Hillier: Yes. This will address that.

“What we need in Ontario is fit-for-purpose regulation rather than trying to graft alternatives to combustibles.... The legislation needs to be aimed at giving smokers the best alternatives to smoking, to spurring innovation, and to be able to adapt quickly to a rapidly changing environment. We want to make healthy choices easier, rather than more difficult, to make. The importance, and relative ease, of fit-for-purpose regulation was made by Clive Bates,” head of ASH UK, “in a submission to our federal Standing Committee on Health last autumn.

“Rather than import the sort of moralistic approach to drugs that we see in our southern neighbours, we should look to our science-informed and pragmatic contemporaries in the United Kingdom. To put it another way, go with the country still represented on our provincial flag rather than the one our ancestors left and thereby established this province.”

He goes on to urge everyone to consider these views—and that these are opposed and are counter-productive in Bill 45.

I'm going to leave Mr. Swenor's deputation that was not presented. I do hope the committee members take the opportunity to read through it. We saw that very little compelling evidence and science had any effect, but I'm going to continue to try—that there would be some effect on the Liberal government not to subject smokers and

prevent them from having an opportunity to quit smoking.

The Chair (Mr. Grant Crack): Mr. Walker?

Mr. Bill Walker: I just want to make sure we put on the record that I was approached by some deputations privately, asking me for consideration. I did meet with staff and shared this with them: that there may be some inadvertent situations where people in a workplace—for example, a courier company driver who is alone in a vehicle for an extended period of time; long-haul truckers who are alone in their vehicle, their workplace, for long periods of time; construction crane-work operators who are 300 feet in the air by themselves with no one else that they're going to hinder—that those could be considered as exemptions as part of the regulation process so that we're not inadvertently encouraging them to go back to smoking regular tobacco when they could be having e-vapor, which is a cessation-potential product.

The Chair (Mr. Grant Crack): Further discussion?

Mr. Randy Hillier: I'm going to leave that to be tabled. I also want to table this. This is a note that I received from Dr. Noe Zamel. He's one of the leading respiratory physicians in the world. He lives here in Toronto. This note is from him, and the picture is important for the committee to see. Here's a picture of a Vicks vaporizer. Under Bill 45, schedule 3, this would be banned in the province of Ontario. Anything that uses a battery for inhalation will be deemed an electronic cigarette and banned out of pharmacies as well as many public places. Vicks vaporizers are caught in your Bill 45, schedule 3, and any other new technology for respiratory illnesses that requires a battery and inhalation will also be unlawful.

The Chair (Mr. Grant Crack): Any further comments? There being none, I shall call the vote on PC motion number 32.

Ayes

Hillier, Walker.

Nays

Anderson, Colle, Dickson, Gélinas, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): PC motion number 32 is defeated.

We shall move to schedule 3, section 1, but prior to doing that, I just wanted to remind Mr. Hillier that all members of the committee have previously received the correspondence that you are tabling with the Clerk.

Mr. Randy Hillier: Not from Dr. Noe—

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The Chair (Mr. Grant Crack): Perhaps not this one, but the ones previously. We're more than happy to take that and file it again with the Clerk, but all members—just to prevent the Clerk from having to go and have them photocopied again.

Mr. Randy Hillier: It's not necessary to get it done right away.

The Chair (Mr. Grant Crack): Thank you very much.

We shall move to schedule 3, section 1. Further discussion on the section? There being none, shall schedule 3, section 1, carry?

Ayes

Anderson, Colle, Dickson, Gélinas, Hoggarth, Kiwala.

Nays

Hillier, Walker.

The Chair (Mr. Grant Crack): Schedule 3, section 1, is carried.

We shall move to schedule 3, section 2. There are no amendments. Is there any discussion on schedule 3, section 2? There being none, shall schedule 3, section 2, carry?

Ayes

Anderson, Colle, Dickson, Gélinas, Hoggarth, Kiwala.

Nays

Hillier, Walker.

The Chair (Mr. Grant Crack): Schedule 3, section 2, is carried.

We shall move to schedule 3, section 3, PC motion 33, which is an amendment to schedule 3, section 1, proposing a new subsection 3(5). Mr. Hillier.

Mr. Randy Hillier: I move that section 3 of schedule 3 to the bill be amended by adding the following subsection:

“Exception

“(5) Subsections (1) and (2) do not apply to a place if both of the following circumstances exist:

“1. The primary use, or one of the primary uses, of the place is to allow individuals to use electronic cigarettes.

“2. Individuals who are less than 19 years old are not ordinarily permitted to enter the place.”

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call the question. Shall PC motion number 33 carry?

Ayes

Hillier, Walker.

Nays

Anderson, Colle, Dickson, Gélinas, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): PC motion number 33 is defeated.

We shall move to PC motion 34, which is an amendment to schedule 3, section 1, which proposes a new subsection 3(5). Mr. Hillier.

Mr. Randy Hillier: I move that section 3 of schedule 3 to the bill be amended by adding the following subsection:

“Exception, minors not permitted to enter

“(5) Subsections (1) and (2) do not apply to a place if, at the relevant time, individuals who are less than 19 years old are not permitted to enter the place.”

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call the question on PC motion 34.

Ayes

Hillier, Walker.

Nays

Anderson, Colle, Dickson, Gélinas, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): PC motion 34 is defeated.

We shall move to PC motion number 35, which is an amendment to schedule 3, section 1, proposing a new subsection 3(6). Mr. Hillier.

Mr. Randy Hillier: I move that section 3 of schedule 3 to the bill be amended by adding the following subsection:

“Exception

“(6) Subsections (1) and (2) do not apply to a place if both of the following circumstances exist:

“1. The primary use, or one of the primary uses, of the place is to sell or supply electronic cigarettes.

“2. Individuals who are less than 19 years old are not ordinarily permitted to enter the place.”

The Chair (Mr. Grant Crack): Further discussion? Ms. Hoggarth.

Ms. Ann Hoggarth: I'm just inquiring: There is no subsection 5, so isn't this out of order, since it's subsection 6 and we do not have a subsection 5?

The Chair (Mr. Grant Crack): As Chair, if I could refer it to legislative counsel? Mr. Chamney.

Mr. Eric Chamney: It's not out of order. If this motion passes, it will be renumbered editorially to be subsection 5.

Ms. Ann Hoggarth: Thank you.

The Chair (Mr. Grant Crack): Thank you, legislative counsel. Any further discussion? There being none, I shall call the question. Shall PC motion number 35 carry?

Ayes

Hillier, Walker.

Nays

Anderson, Colle, Dickson, Gélinas, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): PC motion number 35 is defeated.

We shall move to schedule 3, section 3. Is there any further discussion on the entire schedule and section? There being none, shall schedule 3, section 3, carry?

Ayes

Anderson, Colle, Dickson, Gélinas, Hoggarth, Kiwala.

Nays

Hillier, Walker.

The Chair (Mr. Grant Crack): Schedule 3, section 3, is carried.

We shall move to schedule 3, section 4. Is there any discussion on schedule 3, section 4? There being none, shall schedule 3, section 4, carry?

Ayes

Anderson, Colle, Dickson, Gélinas, Hoggarth, Kiwala.

Nays

Hillier, Walker.

The Chair (Mr. Grant Crack): Schedule 3, section 4, is carried.

We shall move to schedule 3, section 5. It's PC motion number 35, which amends schedule 3, section 5, subsection 5(1). Mr. Hillier.

Mr. Randy Hillier: I move that subsection 5(1) of schedule 3 to the bill be struck out and the following substituted—

Mr. Mike Colle: Point of order: I think it's the wrong number.

The Chair (Mr. Grant Crack): We're on number 36.
Interjections.

Mr. Mike Colle: Number 36. He said 35.

The Chair (Mr. Grant Crack): I said 35?

Interjection: Yes.

The Chair (Mr. Grant Crack): The Chair made an error. I apologize.

Mr. Randy Hillier: I find that hard to believe.

The Chair (Mr. Grant Crack): It is hard to believe, yes.

Mr. Bill Walker: We can make an opportunity to correct your record, Mr. Chair.

The Chair (Mr. Grant Crack): I shall correct my record. PC motion 36: Mr. Hillier.

Mr. Randy Hillier: I move that subsection 5(1) of schedule 3 to the bill be struck out and the following substituted:

"Sale in prohibited places

"5(1) No person shall sell or offer to sell electronic cigarettes in the following places:

"1. A hospital as defined in the Public Hospitals Act.

"2. A private hospital as defined in the Private Hospitals Act.

"3. A psychiatry facility as defined in the Mental Health Act."

The Chair (Mr. Grant Crack): Thank you, Mr. Hillier. Further discussion? Mr. Hillier.

Mr. Randy Hillier: I'll just add that this is consistent with not preventing pharmacies from being able to sell new, innovative means of respiratory inhalants.

The Chair (Mr. Grant Crack): Thank you. Any further discussion? I shall call the question on PC motion—oh, sorry, Madame Gélinas. I did not see your hand.

M^{me} France Gélinas: But you also captured the long-term-care homes.

Mr. Randy Hillier: Pardon?

M^{me} France Gélinas: In your amendment, you're striking out long-term-care homes.

Mr. Randy Hillier: Yes.

M^{me} France Gélinas: Those are not pharmacies.

Mr. Randy Hillier: No, but often we'll see some sort of pharmacology on site.

M^{me} France Gélinas: Okay.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call the question on PC motion number 36.

Ayes

Hillier, Walker.

Nays

Anderson, Colle, Dickson, Gélinas, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): PC motion 36 is defeated.

We shall move to PC motion 37, which is an amendment to schedule 3, section 5, subsection 5(3). Mr. Hillier.

Mr. Randy Hillier: I move that subsection 5(3) of schedule 3 to the bill be struck out.

The Chair (Mr. Grant Crack): Thank you. Further discussion? There being none, I shall call the question. Shall PC motion 37 carry?

Ayes

Hillier, Walker.

Nays

Anderson, Colle, Dickson, Gélinas, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): PC motion 37 is defeated.

We shall move to schedule 3, section 5. Any discussion? There being none, shall schedule 3, section 5 carry?

Ayes

Anderson, Colle, Dickson, Gélinas, Hoggarth, Kiwala.

Nays

Hillier, Walker.

The Chair (Mr. Grant Crack): Schedule 3, section 5, is carried.

We shall move to schedule 3, section 6. Any discussion on schedule 3, section 6? Mr. Anderson.

Mr. Granville Anderson: Can we not do these as a block, sections 6 through to 9?

The Chair (Mr. Grant Crack): If that is something that the committee is comfortable with.

Mr. Randy Hillier: What was that?

The Chair (Mr. Grant Crack): To lump schedule 3—

Mr. Randy Hillier: No, no. We'll just go with individuals.

The Chair (Mr. Grant Crack): There has been a denial of that request, so we'll continue.

Any further discussion on schedule 3, section 6? There being none, shall schedule 3, section 6, carry?

Ayes

Anderson, Colle, Dickson, Gélinas, Hoggarth, Kiwala.

Nays

Hillier, Walker.

The Chair (Mr. Grant Crack): Schedule 3, section 6, is carried.

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We shall move to schedule 3, section 7. Any further discussion? Then I shall call the question. Shall schedule 3, section 7, carry?

Ayes

Anderson, Colle, Dickson, Gélinas, Hoggarth, Kiwala.

Nays

Hillier, Walker.

The Chair (Mr. Grant Crack): Schedule 3, section 7, is carried.

We shall move to schedule 3, section 8. Any further discussion? There being none, shall schedule 3, section 8, carry?

Ayes

Anderson, Colle, Dickson, Hoggarth, Kiwala.

Nays

Hillier, Walker.

The Chair (Mr. Grant Crack): Schedule 3, section 8, is carried.

We shall move to schedule 3, section 9. There are no amendments. Any discussion? There being none, shall schedule 3, section 9, carry?

Ayes

Anderson, Colle, Dickson, Gélinas, Hoggarth, Kiwala.

Nays

Hillier, Walker.

The Chair (Mr. Grant Crack): Schedule 3, section 9, is carried.

We shall move to schedule 3, section 10. We have PC motion 38, which is an amendment to schedule 3, section 1, which proposes a new subsection 10(7.1). Mr. Hillier.

Mr. Randy Hillier: I move that section 10 of schedule 3 to the bill be amended by adding the following subsection:

“Exception

“(7.1) The following rules apply if a proprietor of an enclosed public place permits the use of electronic cigarettes in the enclosed public place:

“1. Subsection (1) does not apply to a person who uses an electronic cigarette in the enclosed public place.

“2. Subsection (6) does not apply to the proprietor in connection with the enclosed public place.”

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call the question on PC motion 38.

Ayes

Hillier, Walker.

Nays

Anderson, Colle, Dickson, Gélinas, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): PC motion number 38 is defeated.

We shall move to PC motion number 39, which is an amendment to schedule 3, section 1, proposing a new subsection 10(7.2). Mr. Hillier.

Mr. Randy Hillier: I move that section 10 of schedule 3 to the bill be amended by adding the following subsection:

“Exception

“(7.2) The following rules apply if an employer who exercises control over an enclosed workplace permits the use of electronic cigarettes in the enclosed workplace:

“1. Subsection (1) does not apply to a person who uses an electronic cigarette in the enclosed workplace.

“2. Subsection (3) does not apply to the employer in connection with the enclosed workplace.

“3. The employer shall accommodate the work or the workplace for employees who do not use electronic cigarettes.”

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call the question. Shall PC motion 39 carry?

Ayes

Hillier, Walker.

Nays

Anderson, Colle, Dickson, Gélinas, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): PC motion 39 is defeated.

We shall move to schedule 3, section 10, in its entirety. Any further discussion? There being none, shall schedule 3, section 10, carry?

Ayes

Anderson, Colle, Dickson, Gélinas, Hoggarth, Kiwala.

Nays

Hillier, Walker.

The Chair (Mr. Grant Crack): Schedule 3, section 10, is carried.

We shall move to schedule 3, section 11. Any further discussion? There being none, shall schedule 3, section 11, carry?

Ayes

Anderson, Colle, Dickson, Gélinas, Hoggarth, Kiwala.

Nays

Hillier, Walker.

The Chair (Mr. Grant Crack): Schedule 3, section 11, is carried.

We shall move to schedule 3, section 12. Any discussion on schedule 3, section 12? There being none, shall schedule 3, section 12, carry?

Ayes

Anderson, Colle, Dickson, Gélinas, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): Schedule 3, section 12, is carried.

We shall move to schedule 3, section 13. Any discussion? There being none, shall schedule 3, section 13, carry?

Ayes

Anderson, Colle, Dickson, Gélinas, Hoggarth, Kiwala.

Nays

Hillier, Walker.

The Chair (Mr. Grant Crack): Schedule 3, section 13, is carried.

We shall move to schedule 3, section 14. Any discussion on the section and schedule? There being none, shall schedule 3, section 14, carry?

Ayes

Anderson, Colle, Dickson, Gélinas, Hoggarth, Kiwala.

Nays

Hillier, Walker.

The Chair (Mr. Grant Crack): Schedule 3, section 14, is carried.

We shall move to schedule 3, section 15.

We have PC motion number 40, which is an amendment to schedule 3, section 15, subsection 15(1), clauses 15(1)(b), (c), (d), (e) and (f).

Mr. Hillier.

Mr. Randy Hillier: I move that clauses 15(1)(b), (c), (d), (e) and (f) of schedule 3 to the bill be struck out.

The Chair (Mr. Grant Crack): Any further discussion on the motion? Mr. Hillier.

Mr. Randy Hillier: Chair, it's clear that the Liberal government is bent on a crusade to keep people smoking in this province, and that there is little compassion or interest in helping people to quit smoking.

As I said, that device—it's not anecdotal—the evidence is overwhelming. The evidence is also overwhelming about this false fear as a gateway to smoking. It has been discounted by everybody. It was also mentioned in the committee by Dr. John Britton that that is a fallacy that it is a gateway out of smoking.

We have the Baptists and the bootleggers in an unholy alliance here—the moralists and big tobacco and big pharma in an unholy alliance to protect their market shares, to protect their profits. This Liberal government is facilitating that unholy alliance. They're going to use legislation to ensure that big tobacco continues to make

big money; to ensure that big pharma continues to make big money; and to ensure that smokers remain addicted to cigarettes.

I find it absolutely horrendous, and I don't know how any member of the Liberal Party could be so willing to condemn so many to an unhealthy lifestyle and an atrocious, unhealthy addiction to tobacco smoking.

I know how powerful that addiction is. I'm sure many others know how powerful that addiction is. We know that it is not the nicotine that is harmful to people. We know it is the combustion, the tar and those particulates that are the cause of cancer, emphysema and so many other debilitating and fatal diseases.

The committee members are silent—they're mute—on why they are engaged in this unholy alliance between the bootleggers and the Baptists.

You'll wake up one day—wake up—and find out that you have condemned many, many people to remain addicted to tobacco. It's not compassionate. It's not caring. It's not thoughtful; it's hurtful. Why you would promote harm reduction strategies for so many other addictions and so many other behaviours but you won't allow for harm reduction in the tobacco business—is it your desire and the need for the revenues from tobacco? We know that they're over \$1 billion a year in this province. We also know that direct health care costs because of tobacco addictions in this province are about \$1.6 billion a year, and another \$4 billion a year in lost productivity.

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We could be doing so much to help the health and the life of so many Ontarians, as well as adding to our economy, as well as reducing the cost of health care, but instead, you would rather protect big tobacco and big pharma and keep people hooked on tobacco.

This is not something that will go unnoticed. I know many of you have already been hearing the outcry from those people who have successfully quit their addiction using vaporizers. You're going to hear a lot more of it. If I was sitting on that side, I would speak out or I would be ashamed of myself.

The Chair (Mr. Grant Crack): Thank you, Mr. Hillier. Mr. Walker.

Mr. Bill Walker: I just wanted to conclude the session today by saying it's been interesting to be involved in this process. I certainly thank all of the people of Ontario who have tried to be engaged. I'm saddened, again, that we were not able to hear from more people out there, as my colleague Ms. Gélinas has said. We tried to provide an opportunity for that to happen, and sadly, it didn't.

We tried to present many amendments that we felt would be listening to the people who came to us. Every issue has the ability to have the pro and the con presented, and we try to find ways to amend so that we can actually create legislation that's going to impact all Ontarians in a positive manner. Again, very few of those were ever listened to.

It is my expectation that we bring a balanced view to these types of pieces of legislation. I am certainly hopeful. I've met with staff, and they have apprised me that in the regulation process, they will be making some overtures to amend some of these things. I certainly hope that will be the case when it's finalized. From the perspective of a lot of the discussions we've had with individual stakeholders and organizations that came, both pro and con, we want to ensure that we are listening, that we're trying to take their advice and make it a piece of legislation that's truly going to help.

The title says Making Healthier Choices. There were some things that we suggested, particularly with youth smoking. We heard a lot of anecdotes, but what we didn't hear was a government that was prepared to truly address what I believe is the biggest issue out there. One would be to make it illegal. I still can't understand for the life of me—we do it with alcohol, which is proven to create harm if you overindulge. I can't believe that we wouldn't do the same thing with smoking—and certainly contraband. We've had numerous agencies and organizations tell us that that's a big issue. Youth smoking becomes rampant when you can buy contraband without any real incident or any real inspection, even, going on, and yet we're going to put inspectors on some of these other things.

I fully support the Healthy Menu Choices Act from the perspective of if we can engage people and make them more aware. I was hoping that we would see some things in there with regards to physical activity so that people are actually becoming more active in their lifestyle as opposed to just food. It's not one or the other; it should be a culmination of those. I would have liked to have seen that in there.

And certainly the e-cigarettes: I've said it many times in this committee. Having watched a loved one, my sister, die from lung cancer, there's nothing more horrendous that I'll probably ever witness. If she would have had the opportunity to have a vaporizer, that would have allowed her to stop smoking, or at least considerably decrease the consumption of tobacco. I think that's something we missed the opportunity for here, for many, many people.

We've again heard, whether it be anecdotal—anecdotal is one thing, but a real-life experience of someone telling me, "This allowed me to stop smoking"—I think there is merit, and we could have found some balance in the middle until those conclusive studies come out. I think adults should be allowed the ability to make those types of decisions knowingly. There's nothing saying they are harmful to their health, and at the end of the day, what we're going to find once the conclusive studies are in is that vaporizers or e-cigarettes are probably a lot less harmful than straight tobacco, and my fear is we're going to drive people back into it.

I've talked about the flavouring. Again, I'm not certain how conclusive it is. If you take away menthol, what we've heard from many people who are actually menthol smokers is that they're not going to stop smok-

ing menthol; they're going to go to a different market and find a way to buy that. They're going to go to that contraband shop that, again, this government is not taking any action on. They've used the argument that that's a finance bill, but I think that could have been quite easily put into this bill, as well, and we could have started to address that issue.

What I've certainly tried to do in my time with this committee is to bring a balanced view, to try to find some middle ground so we're supporting the intent of making people healthier, but also trying to ensure that we don't inadvertently cause negative impacts to those same people of Ontario.

The Chair (Mr. Grant Crack): Prior to Ms. Gélinas, I just want to remind all members of the committee that when you're speaking to a particular issue, it should focus on the amendment at hand. There are other opportunities to perhaps get other comments on the record when we're discussing the section or towards the end of the bill. Let's try to stay focused with regard to the amendment.

Ms. Gélinas.

M^{me} France Gélinas: Well, talking about the amendments, the Making Healthier Choices Act, calorie labeling has been brought forward in this Legislature many, many times. We knew what we were talking about. It's the same thing with banning flavoured tobacco.

When it came to e-cigarettes, did we need to regulate? Yes, absolutely. Did we have time to do a good job to make sure that we are regulating those things the way we should? I am not so sure. The process went pretty well until second reading, until deputations came, until a whole lot of new information was brought forward to us, and we did not have time to deal with that.

The first two schedules of the bill—I'm very positive that we hit it right. For the last schedule of the bill, with the e-cigarettes, I'm not so sure, especially when it comes to banning flavours and when it comes to banning people having access to learn how to use those vaporizers that are becoming more and more sophisticated and complicated to use.

I tried to interpret the bill and the amendments we're looking at as to, "Will it keep us from doing this?" I can't tell. We didn't have enough time to have legal counsel counsel us to fully understand. Here we are. I hope we've got it right, but I'm not sure—the first two parts, absolutely; the last one, I hope so.

The Chair (Mr. Grant Crack): Mr. Hillier.

Mr. Randy Hillier: This is not a lost opportunity. This is a purposeful squandering of an opportunity. I agree with the member from the third party: Schedules 1 and 2 are not a problem. But to squander and to squash the opportunity to use innovation and technology to improve people's lives, to prevent the premature death of so many Ontarians, is absolutely unforgivable, in my view.

The Chair (Mr. Grant Crack): Any further discussion on PC motion number 40? There being none, I shall call the question.

Ayes

Hillier, Walker.

Nays

Anderson, Dickson, Gélinas, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): PC motion number 40 is defeated.

We shall move to schedule 3, section 15, in its entirety. Any further discussion? There being none, shall schedule 3, section 15, carry?

Ayes

Anderson, Dickson, Gélinas, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): Schedule 3, section 15, is carried.

We shall move to schedule 3, section 16. Any discussion? There being none, shall schedule 3, section 16, carry?

Ayes

Anderson, Dickson, Gélinas, Hoggarth, Kiwala.

Nays

Hillier, Walker.

The Chair (Mr. Grant Crack): Schedule 3, section 16, is carried.
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We shall move to schedule 3, section 17. Is there any further discussion? There being none, shall schedule 3, section 17, carry?

Ayes

Anderson, Dickson, Fraser, Gélinas, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): Schedule 3, section 17, is carried.

We're going to deal with schedule 3, section 18. Further discussion? There being none, shall schedule 3, section 18, carry?

Ayes

Anderson, Dickson, Fraser, Gélinas, Hoggarth, Kiwala.

Nays

Hillier, Walker.

The Chair (Mr. Grant Crack): Schedule 3, section 18, is carried.

We shall move to schedule 3, section 19. Further discussion? There being none, shall schedule 3, section 19, carry?

Ayes

Anderson, Dickson, Fraser, Gélinas, Hoggarth, Kiwala.

Nays

Hillier, Walker.

The Chair (Mr. Grant Crack): Schedule 3, section 19, is carried.

We shall move to schedule 3, section 20. Any discussion? There being none, shall schedule 3, section 20, carry?

Ayes

Anderson, Dickson, Fraser, Gélinas, Hoggarth, Kiwala.

Nays

Hillier, Walker.

The Chair (Mr. Grant Crack): Schedule 3, section 20, is carried.

We shall move to the title of the bill. Is there any discussion on the title of the bill?

Interjections.

The Chair (Mr. Grant Crack): We'll go back. We're going to deal with schedule 3 in its entirety. Shall schedule 3 carry?

Ayes

Anderson, Dickson, Fraser, Gélinas, Hoggarth, Kiwala.

Nays

Hillier, Walker.

The Chair (Mr. Grant Crack): Schedule 3 is carried. We shall move to the title of the bill. Any discussion on the title? Mr. Hillier.

Mr. Randy Hillier: As I stated, schedules 1 and 2 do go along with the title, Making Healthier Choices Act; schedule 3 does not. It is actually removing healthier choices from those addicted to tobacco. It is false for the government to put this bill forward with this title. It is, as

I said earlier, unforgivable that we would take away people's choice to quit smoking and make it more difficult, and condemn so many to a premature death from remaining hooked and addicted to tobacco. It's a poor choice in title.

The Chair (Mr. Grant Crack): Any further discussion on the title? There being none, I shall call the question. Shall the title of the bill carry?

Ayes

Anderson, Dickson, Fraser, Gélinas, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): The title of the bill is carried.

Shall Bill 45, as amended, carry? Any discussion? There being none, those in favour?

Ayes

Anderson, Dickson, Fraser, Gélinas, Hoggarth, Kiwala.

Nays

Hillier, Walker.

The Chair (Mr. Grant Crack): Bill 45, as amended, is carried.

Shall I report the bill, as amended, to the House?

Ayes

Anderson, Dickson, Fraser, Gélinas, Hoggarth, Kiwala.

Nays

Hillier.

The Chair (Mr. Grant Crack): I shall report the bill to the House, because it's carried. Thank you very much. There is a comment, Madame Gélinas?

M^{me} France Gélinas: Process-wise, will it be reported tomorrow or next week?

The Chair (Mr. Grant Crack): Generally it's tomorrow, but at first available opportunity, so depending on how things unfold, most likely tomorrow.

M^{me} France Gélinas: During routine proceedings tomorrow?

The Chair (Mr. Grant Crack): Yes.

No further discussion? I want to thank everyone for their hard work on an important bill. It has been a pleasure working with you all. This meeting is adjourned.

The committee adjourned at 1705.



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